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LEGISLATIVE DEPARTMENT.

ORDER OF THE LIEUTENANT GOVERNOR OF BENGAL * FORWARDED

THE

BOMBAY CODE,

IN THREE VOLUMES.

VOLUME I:

CONTAINING

THE UNREPEALED BOMBAY REGULATIONS,

THE LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BOMBAY,

THE REGULATIONS MADE UNDER THE STATUTE 33 VICTORIA CHAPTER 3, IN FORCE IN BOMBAY,

AND

LISTS OF THE ENACTMENTS WHICH HAVE BEEN NOTIFIED FOR SCHEDULED DISTRICTS IN BOMBAY UNDER THE SCHEDULED DISTRICTS ACT, 1874:

WITH

FULL CHRONOLOGICAL TABLES AND AN INDEX.

SECOND EDITOIN.

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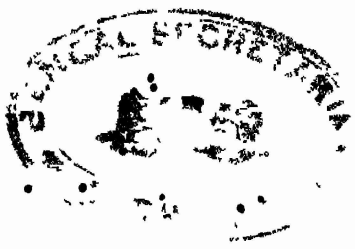

PREFACE.

THIS, the first volume of the second edition of the Bombay Code, contains (*i*), with some exceptions, the unrepealed Bombay Regulations, the Local Acts of the Governor General in Council in force in Bombay,* and the Regulations made under the Statute 33 Vict., c. 3, in force in Bombay,* with chronological tables showing how each enactment has been repealed or otherwise affected, and (*ii*) lists of the enactments which have been notified for Scheduled Districts in Bombay* under the Scheduled Districts Act, 1874.

2. The exceptions referred to above are—

(*a*) the several enactments which were repealed by Act XIV of 1869 (the Bombay Civil Courts Act, 1869). The local extent of that Act was limited, but the Act has since been extended, in whole or in part, to some of the areas which were excepted by its first section. It is possible that the enactments which the Act repealed, or some of them, may still be in force in some of the excepted areas. The enactments referred to were all excluded from the last edition of the Bombay Code;

the several enactments which were repealed by Bombay Act V of 1879 (the Bombay Land-revenue Code, 1879). That Act does not extend to the City of Bombay, and it has not been extended to all the Scheduled Districts, and it is possible that the enactments which it repealed, or some of them, may still be in force in some of those areas. The enactments referred to were all excluded from the last edition of the Bombay Code;

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* *i.e.* the territories under the administration of the Governor of Bombay in Council.

(*c*) Act XXVII of 1837 (Salt), which is in force in Sindh (see Appendix, p. xi), but was repealed in the rest of Bombay* by Bombay Act VII of 1873;

(*d*) the following Acts, which are of a purely personal character:—

Act XVIII of 1848 (Nawab of Surat),
Act XX of 1860 (Sir Jamsetjee Jeejeebhoy),
Act VI of 1893 (Sir Dinshaw Manockjee Petit).

The Acts of 1848 and 1860 were excluded from the last edition of the Bombay Code.

3. When the last edition of the Bombay Code was published, Act IV of 1871 (Coroners) was a General Act, and was accordingly excluded from the Code. The Act, having since been repealed as to Madras, is no longer a "General" Act, and is therefore printed in the present edition of the Bombay Code, together with the amending Acts, X of 1881 and V of 1889.

4. Act XXII of 1857 (Bombay University), which was excluded from the last edition of the Bombay Code, is printed in this volume, as it is really of merely local operation. The three Acts of 1857, relating respectively to the Calcutta, Bombay and Madras Universities, were printed in the volume of General Acts for 1834-66, Ed. 1887, but the Acts relating to the Calcutta and Madras Universities have since been reprinted in the new editions of the local Codes for Bengal and Madras.

5. A short index is appended to this volume.

6. The Acts of the Governor General in Council which apply to Bombay* in common with the rest of British India are printed in the volumes of General Acts published or to be published by the Legislative Department.

7. Part I of this volume is based on Clarke's edition of the Bombay Regulations published in 1851 under the authority of the Court of Directors of the East India Company, Parts II and III

[* *i.e.*, the territories under the administration of the Governor of Bombay in Council.]

on official copies of the Acts and Regulations preserved in the Legislative Department, and the Appendix on notifications published in the Gazette of India and in the Bombay Government Gazette. Though the volume cannot be described as "authoritative," its accuracy is guaranteed by the Legislative Department.

8. The following changes have been made in reprinting the Regulations and Acts:—

(*a*) repealed matter has been omitted, explanatory notes being inserted; or, where this was not practicable, the repeal has been mentioned in a foot-note;

(*b*) amendments made by later enactments have been inserted in the text of the enactment amended, with explanatory foot-notes; or, where this was not practicable, the amendment has been mentioned in a foot-note;

(*c*) references to repealed enactments have been altered as directed by the enactment which effects the repeal, explanatory foot-notes being added; or, where this was not practicable, an explanation has been given in a foot-note;

(*d*) the number and year of enactments referred to in the text have been noted in the inner margin, except where both appear in the text;

(*e*) Arabic numerals have been substituted for the Roman numerals used in the Bombay Regulations and the earlier Acts to denote the section-numbers;

(*f*) section-numbers occurring in the text have been uniformly printed in figures, instead of in words;

(*g*) the marginal notes have in some cases been revised;

(*h*) a table of contents has in some cases been inserted;

(*i*) words belonging to Oriental languages have been uniformly spelt;

(*j*) lengthy sections have sometimes been divided into clauses and paragraphs;

(*k*) the headings to the pages have been amplified;

(*l*) some foot-notes, in addition to those mentioned in clauses (*a*), (*b*) and (*c*) above, have been added for convenience of reference.

9. In reading this volume it should be borne in mind that sections 3 to 12 (both inclusive) of the Bombay General Clauses Act, 1886 (Bombay Act III of 1886), have been declared, by section 13 of that Act, to apply to all enactments of the Governor of Bombay in Council.

10. This volume has been corrected up to the 20th July 1894.

F. G. WIGLEY,
Officiating Deputy Secretary,
Legislative Department.

SIMLA;
The 1st September, 1894.

NOTE.—To complete the revised edition of Mr. Whitley Stokes' collections of Indian Statute Law, there now remain to be published the second and third volumes of the new edition of the Bombay Code (containing the unrepealed Acts of the Governor of Bombay in Council), a new edition of the Collection of Statutes relating to India and a Code for Assam.

CHRONOLOGICAL TABLES.

[With respect to entries in column 4 the practice has been as follows:—

(a) where a Regulation or Act has been wholly repealed more than once, the latest repealing enactment has alone been entered;

(b) where a Regulation or Act has been partially repealed and afterwards wholly repealed, the total repeal only is entered; a repeal of the unrepealed portions of a Regulation or Act is treated as a total repeal;

(c) partial repeals covered by later partial repeals are not noted;

(d) where a Regulation or Act has been locally repealed and afterwards repealed by an enactment whose operation is unrestricted, the latter repealing enactment has alone been entered;

(e) local repeals covered by later local repeals are omitted.]

PART I.—BOMBAY REGULATIONS.

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1799	I	*For codifying Regulations.*	*Rep., Bom. Reg. I of 1827.*	
,,	II	*Foreigners* . . .		
,,	III	*Civil Court, Salsette, Caranja, etc.*		
,,	IV	*Suits in such Court* .		
,,	V	*Apprehension and trial of criminals.*		
,,	VI	*Bombay Customs* . .	*Rep. in part, Bom. Reg. I of 1827; Bom Reg. I of 1833; Act I of 1838. Residue rep., Act I of 1852.*	
1800	I	*Civil Court, Surat* . .	*Rep., Bom. Reg. I of 1827.*	
,,	II	*Suits in such Court* .		
,,	III	*Apprehension and trial of criminals, Surat.*		
,,	IV	*Ministerial officers of Courts, Surat.*		
,,	V	*Native Law-officers.* .		
,,	VI	*Arbitrators, Surat* .		
,,	VII	*Sadr Addlat* . .		

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1800	VIII	*Company's Investment, Surat.*	*Rep., Bom. Reg. I of 1827.*	
„	IX	*Customs, Surat* . .	*Rep. in part, Bom. Reg. I of 1827; Act I of 1838. Residue rep., Act I of 1852.*	
„	X	*Revenue of tobacco-farm* .		
1802	I	*Court at Surat* . .		
„	II	*Absence of Judges and Magistrates.*		
„	III	*Criminal Law* . .		
„	IV	*Registry for Wills and Deeds, Surat.*		
„	V	*Testamentary and intestate succession.*		
„	VI	*Records of Courts: Reports of Suits.*		
„	VII	*Trial by Natives of Small Causes.*	*Rep., Bom. Reg. I of 1827.*	
„	VIII	*Court-fees* . . .		
„	IX	*Appeals from Registrar, Surat Court.*		
„	X	*Pauper-suits* . .		
„	XI	*Bonds by certain suitors, Surat.*		
„	XII	*Reviews* . . .		
„	XIII	*Collectors of Revenue, Surat.*		
„	XIV	*Vakils, Surat, Salsette, etc.*		
1803	I	*Town-duty, Bombay* .	*Rep., Act I of 1838.*	
„	II	*Appeals from Surat* .	*Rep., Bom. Reg. I of 1827.*	
„	III	*Extending jurisdiction of Salsette Court.*		

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1803	IV	*Modifying Bom. Regulation X of 1800.*	*Rep., Bom. Reg. I of 1827.*	
1804	I	*Revenue of Arrack farm*		
1805	I	*Amending Bom. Regulation VI of 1799.*	*Rep. in part, Bom. Reg. I of 1827; Act I of 1838. Residue rep., Act I of 1852*	
,,	II	*Judicial and Revenue system, Guzarat: Surat Sessions Court.*	*Rep., Bom. Reg. I of 1827.*	
1806	I	*Bombay Custom-House.* .		
1807	I	*Number of Judges at discharge of jails.*		
1808	I	*Record of Revenue-rules, Salsette.*		
,,	II	*Rules for Administration of Justice.*		
1809	I	*Jurisdiction of Kaira Court.*		
,,	II	*General Courts-martial, Bombay Army.*		
,,	III	*Trial of Natives charged with crimes committed abroad.*		
1810	I	*Town-duty . . .*	*Rep., Act I of 1838.*	
,,	II	*Bombay Port . .*	*Rep., Act XXII of 1855.*	
1811	I	*Resident at Fort Victoria*	*Rep., Bom. Reg. I of 1827.*	
	II	*Assistant to Collector of Caranja.*		
1812	I	*Trials for State offences .*		
,,	II	*Empowering Judges, etc., to propose Regulations.*		
,,	III	*Abolishing Salsette Sessions Court, etc.*		

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1812	IV	*Appeals to Privy Council.*		
„	V	*Extending to Kaira and Broach parts of Bom. Regulation II of 1808.*		
„	VI	*Appeals from Zila Courts.*		
„	VII	*Sadr Adálat* . .		
„	VIII	*Trials in Provincial Court of Circuit.*		
„	IX	*Trials in Superior Tribunal.*		
„	X	*Judges of Provincial Court of Appeal.*		
„	XI	*Rules in case of doubt as to meaning of Regulations.*		
1813	I	*Importation and sale of slaves.*	*Rep., Bom. Reg. I of 1827.*	
„	II	*Appeals* . . .		
„	III	*Repair of water-courses, etc.*		
„	IV	*Persons triable for offences committed abroad.*		
„	V	*Suits by and against Native Princes.*		
„	VI	*Removal of Immigrants* .		
„	VII	*Execution of judgments of Bombay Court of Requests.*		
„	VIII	*Native officers* . .		
„	IX	*Single Judges of Provincial Court of Appeal.*		
„	X	*Foreign trade* . .	*Rep., Act I of 1838.*	

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1813	XI	*Loans by Covenanted Civil Servants.*		
1814	I	*Interest* . . .		
,,	II	*Village-Accountants* .		
,,	III	*Non-Badshahi Grants, etc.*	*Rep., Bom. Reg. I of 1827.*	
,,	IV	*Embezzlement by Native officers.*		
,,	V	*Sale of certain drugs* .		
,,	VI	*Confiscation and sale of forfeited goods.*	*Rep., Act I of 1852.*	
,,	VII	*March of troops* . .	*Rep., Bom. Reg. I of 1827.*	
,,	VIII	*Export of Saltpetre* .	*Rep., Act I of 1838.*	
,,	IX	*Punishment of persons guilty of several offences*		
,,	X	*Revenue-records* . .		
,,	XI	*Resident at Sinder Droog.*		
1815	I	*Preventing Judges and Collectors from retaining their Native creditors.*		
,,	II	*Pensions* . . .		
,,	III	*Revenue-powers of senior Magistrate of Police.*	*Rep., Bom. Reg. I of 1827.*	
,,	IV	*Civil jurisdiction of Residents at Fort Victoria and Malwan.*		
,,	V	*Assistant Judges of Zila and City Addlats.*		
,,	VI	*Vacations and Jail-deliveries.*		
,,	VII	*Arbitration* . . .		

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1815	VIII	*Trading by Commercial Residents.*		
,,	IX	*House-tax, Bombay* .		
,,	X	*Kázis*	*Rep., Bom. Reg. I of 1827.*	
,,	XI	*Spirit-duties* . . .		
,,	XII	*Trials at Fort Victoria and Malwan.*		
,,	XIII	*Collection of Customs* .	*Rep, Act I of 1838.*	
,,	XIV	*Stamps*		
1816	I	*Pauper-suits* . .		
,,	II	*Village-Accountants* .	*Rep., Bom Reg. I of 1827.*	
,,	III	*Records of Courts* . .		
,,	IV	*Manufacture and sale of spirit.*		
,,	V	*Export of Saltpetre* .	*Rep., Act I of 1838.*	
,,	VI	*Thákur of Bhaunagar* .	*Rep., Bom. Reg. I of 1827.*	
,,	VII	*Stamps*		
,,	VIII	*Manifests of goods imported in small craft.*	*Rep, Act I of 1838.*	
,,	IX	*Collector of Anjar* . .	*Rep., Bom. Reg. I of 1827.*	
,,	X	*Modifying Bom. Regulation X of 1813.*	*Rep., Act I of 1838.*	
1817	I	*Zilas of Kaira and Surat*	*Rep., Bom. Reg. I of 1827.*	
,,	II	*Amending Bom. Regulation XIII of 1815.*	*Rep., Act I of 1838.*	
,,	III	*Explaining Bom. Regulation IX of 1815.*		
,,	IV	*Fees in Court of Petty Sessions.*	*Rep., Bom. Reg. I of 1827.*	
,,	V	*Carriage and Horse-tax* .		

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1817	VI	*Zilas of Salsette, Broach and Kaira.*		
„	VII	*Smuggling tobacco and ganja.*		
1818	I	*Duty on Opium* . .		
„	II	*Amending Bom. Regulation VIII of 1813.*	*Rep., Bom. Reg. I of 1827.*	
„	III	*Magistrates and Criminal Judges.*		
„	IV	*Police*		
„	V	*Appeals to Privy Council*		
„	VI	*Foreign trade* . .	*Rep., Act I of 1838.*	
„	VII	*Market-fees, Music, Wedding-sheds.*		
„	VIII	*State-Prisoners* . .		
1819	I	*Police in Cantonments* .		
„	II	*Amending Bom. Regulation XIV of 1802.*		
„	III	*Ceded and Conquered territories.*		
„	IV	*Complaints against Collectors, etc.*		
„	V	*Native Officers* . .	*Rep., Bom. Reg. I of 1827.*	
„	VI	*Rescinding in part Bom. Regulation IV of 1818.*		
„	VII	*Amending Bom. Regulation III of 1819.*		
„	VIII	*Security for good behaviour.*		
„	IX	*Criminal law* . .		
„	X	*Amending Bom. Regulation I of 1812.*		

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1820	I	*State-offences* . .	*Rep., Bom. Reg. I of 1827.*	
,,	II	*Explaining Bom. Regulation I of 1818.*		
,,	III	*Zila of South Konkan* .		
,,	IV	*Taluqa of Chief of Balaseena and Veerpur.*		
,,	V	*Abolishing Provincial Court of Appeal.*		
,,	VI	*Assistant Judges, Zila Courts.*		
,,	VII	*Sadr Faujdári Adálat* .		
,,	VIII	*Questions as to meaning of Regulations.*		
1821	I	*Explaining Bom. Regulation V of 1820.*		
,,	II	*Foreign trade* . .	*Rep., Act I of 1838.*	
,,	III	*Trials for offences in Anjar.*	*Rep., Bom. Reg. I of 1827.*	
,,	IV	*Sales of certain lands in Island of Bombay.*		
1823	I	*Exemptions from revenue: Limitation.*		
1824	I	*Execution by Zila Courts of judgments of other Courts.*		
,,	II	*Construction of Bom. Regulation I of 1823.*		
,,	III	*Commencement of Bom Regulation I of 1823, s. 29.*		
,,	IV	*Registrar, Sadr Adálat and Sadr Faujdári Adálat.*		
1826	I	*Suits against Thákur of Bhaunagar.*		

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1826	II	*Bribing Customs-Officers*	*Rep, Act. I of 1838.*	
,,	III	*Courts-Martial, Military Courts of Requests.*	*Rep, Bom. Reg. I of 1827.*	
1827	I	*Codifying Bom. Regulations.*	*Rep., Act. XII of 1873.*	
,,	II	Caste-questions, Pleaders.	Rep. in part, Act I of 1846; Act X of 1861; Act X of 1873; Act XII of 1873; Act XII of 1876; Bom. Act VI of 1866; (locally), Act XIV of 1869.	1
,,	III	*Civil Procedure* . .	*Rep, Act XIV of 1869.*	
,,	IV	Civil Courts (Law to be observed).	Rep. in part, Act X of 1861, Act XVII of 1862 Act VI of 1874; (locally), Act XIV of 1869; (locally), Bom. Act V of 1879.	
,,	V	Acknowledgment of Debts; Interest; Mortgages.	Rep. in part, Act XXVIII of 1855; Act IX of 1871; Act XII of 1873; Act XII of 1876; Act IV of 1894; (locally), Act XVII of 1879, s. 12; (locally), Act IV of 1882.	8
,,	VI	*Pauper-suits and Appeals*	*Rep., Act X of 1861.*	
,,	VII	*Panchayats* . .		
,,	VIII	Administration of Estates	Rep. in part, Act XII of 1873. Extended to Sindh, Bom. Act XII of 1866, s. 12. Application restricted (locally), Bom. Act IV of 1890, s. 58 (3).	11
,,	IX	*Registration* . .	*Rep, Act XVI of 1864.*	

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1827	X	*Disputes as to village-boundaries.*	*Rep., Bom. Act I of 1865, s. 50.*	
„	XI	*Persons subject to Criminal Regulations.*	*Rep., Act XVII of 1862.*	
„	XII	Police (Duties and Powers of Magistrates).	Rep. in part, Act III of 1857; Act XVII of 1862; Act X of 1872; Act X of 1873; Act XII of 1873; Act XII of 1876; Act IV of 1894; Bom. Act VI of 1866; Bom. Act VII of 1867; Bom. Act VIII of 1867; Bom. Act II of 1870; (locally), Bom. Act IV of 1890. Rep. in part and amended, Bom. Act III of 1886. Supplemented, Act II of 1889.	17
„	XIII	Criminal Courts (Substitution of letter for summons).	Rep. in part, Act XVII of 1862; Act X of 1872; Act XXIV of 1872 Act X of 1873; Act XII of 1873; Act XII of 1876; Act IV of 1894; Bom. Act IV of 1865; Bom. Act VI of 1866.	21
„	XIV	*Crimes and offences* .	*Rep., Act XII of 1873.*	
„	XV	*Police jurisdiction of land-holders.*	*Rep., Act XVII of 1862.*	
„	XVI	Collectors of land-revenue.	Rep. in part, Act XI of 1843; Act X of 1873; Act XII of 1873; Act X of 1876; Act XII of 1876; Bom. Act V of 1866;	Not reprinted.

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1827	XVI —*contd.*	Collectors of land-revenue	Rep. in part, Bom. Act III of 1874. Residue rep. (locally), Bom. Act V of 1879.	
„	XVII	Land-revenue	Rep. in part, Act XXVI of 1871; Act XII of 1873; Act X of 1876; Act XII of 1876; Bom. Act VII of 1863; Bom. Act II of 1866. Residue rep. (locally), Bom. Act V of 1879.	Not reprinted.
„	XVIII	*Stamps*	*Rep, Act XXXVI of 1860.*	
„	XIX	*Land-revenue (Bombay town); taxes on shops, etc.*	*Rep., Bom. Act II of 1876.*	
„	XX	*Customs and Duties* .	*Rep., Act IV of 1894.*	
„	XXI	*Duty on Opium and Spirits.*		
„	XXII	Military Authority (Assistance to marching troops).	Rep. (except ss. 40 to 43), Act XIII of 1889. S. 42 rep. in part, Act XII of 1873. Ss. 40 to 42 amended, Bom. Act III of 1886, s. 2.	22
„	XXIII	*Money-transactions with Natives; Occupation of land by Europeans.*	*Rep., Act XVII of 1862.*	
„	XXIV	*Printing-Presses* . .	*Rep., Act XI of 1835.*	
„	XXV	State Prisoners . .	Rep. in part, Act III of 1858; Act XII of 1873; Act XII of 1876. Amended, Bom. Act III of 1886. Supplemented, Act XXXIV of 1850; Act III of 1858.	25
„	XXVI	*Kázis*	*Rep., Act XI of 1864.*	

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Ye .	No.	Subject.	How repealed or otherwise affected.	Page.
1827	XXVII	*Zila Court of Broach* .	*Rep., Act XII of 1873.*	
,,	XXVIII	*Commencement of Bom. Regulations.*		
,,	XXIX	Dekkhan and Khándesh (Puna, Ahmadnagar and Khándesh Districts)	Rep. in part, Bom. Reg. IV of 1828; Act VI of 1842; Act XI of 1846; Act IV of 1868, Act XIV of 1869; Act X of 1876; Act XII of 1876; Act IV of 1894. Supplemented, Bom. Reg I of 1831 (as amended by Bom Reg XVI of 1831, s. 2); Act XIX of 1835; Act XIV of 1882, s. 7. Application extended to other territory, Bom. Reg. VII of 1830; Bom. Act III of 1863, s. 4, Bom. Act XIV of 1866, s. 3.	29
,,	XXX	*Criminal Law, Puna and Ahmadnagar.*	*Rep., Act XVII of 1862.*	
,,	XXXI	*Introduction of revised Code of Bom. Regulations.*	*Rep., Act XIV of 1869.*	
,,	XXXII	*Taxes on carriages and horses in Island of Bombay.*	*Rep., Act XXV of 1858.*	
,,	XXXIII	*Duty on tobacco and spirit*	*Rep , Act XXIV of 1850.*	
,,	XXXIV	*Nawáb of Surat* . .	*Rep., Act XII of 1873.*	
1828	I	*Broach Civil Officers* .	*Rep., Bom. Reg. IX of 1828.*	
,,	II	*Broach Criminal Officers.*	*Rep., Bom. Reg. X of 1828.*	
,,	III	*Stamps* . . .	*Rep., Act XXXVI of 1860.*	

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1828	IV	*Stamps in Dekkhan and Khándesh.*	*Rep., Act XII of 1873.*	
„	V	*Suits against Sardárs, Dekkhan.*	*Rep., Bom. Reg. I of 1834.*	
„	VI	*Stamps . . .*	*Rep., Act XXXVI of 1860.*	
„	VII	*Appeal Court, Guzarat .*	*Rep., Bom. Reg. I of 1830.*	
„	VIII	*Provincial Court of Circuit, Guzarat.*	*Rep., Bom. Reg. III of 1830.*	
„	IX	*Repealing Bom. Reg. I of 1828.*	*Rep., Act XII of 1873.*	
„	X	*Repealing Bom. Reg. II of 1828.*		
„	XI	*Assistant Criminal Judges.*		
„	XII	*Assistant Criminal Judges.*	*Rep., Bom. Reg. III of 1830.*	
„	XIII	*Registry of Deeds . .*	*Rep., Act XVI of 1864.*	
„	XIV	*Toll at Sion Causeway .*	*Rep., Act XII of 1873.*	
„	XV	*Duty on tobacco . .*	*Rep., Act XXIV of 1850.*	
„	XVI	*Subsidiary Jails . .*	*Rep., Act XII of 1876.*	
„	XVII	*Conspiracy . . .*	*Rep., Act XVII of 1862.*	
1829	I	*Assistants to Magistrate, Dekkhan.*	*Rep., Bom. Reg. IV of 1830, s. 4.*	
„	II	*Native troops . .*	*Rep., Act V of 1863.*	
„	III	*Cotton-frauds . .*	*Rep., Bom. Act IX of 1863.*	
1830	I	*Jurisdiction of Native Commissioners.*	*Rep., Act XIV of 1869.*	
„	II	*Appeals . . .*	*Rep. Bom. Reg. VII of 1831.*	
„	III	*Criminal Judges . .*	*Rep. in part, Act XVII of 1862; Bom. Act VI of 1866. Residue rep., Act X of 1872.*	

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year	No.	Subject.	How repealed or otherwise affected.	Page.
1830	IV	*Police jurisdiction* .	*Rep, Act XII of 1873.*	
,,	V	Revenue Commissioner .	Rep in part, Act XVII of 1842, Act XII of 1873; Act X of 1876; Act XII of 1876; Bom Act III of 1864; Bom. Act II of 1866. Residue rep (locally), Bom. Act V of 1879.	Not reprinted.
,,	VI	*Referring suits to Komavisdars.*	*Rep., Bom Act II of 1866*	
,,	VII	Southern Marátha Country (Dhárwár District).	Rep. in part, Act VI of 1842; Act XII of 1873, Act X of 1876; Act XII of 1876. Supplemented, Bom. Reg. XVI of 1831; Act XIV of 1882, s. 7. Application of section 5 extended, Bom. Act III of 1863, s 4, Bom. Act XIV of 1866, s 3.	37
,,	VIII	*Counter-stamping* . .	*Rep., Act XXXVI of 1860.*	
,,	IX	*Toll on Bhor Ghat Road*	*Rep., Act II of 1837.*	
,,	X	*Villages in Khándesh* .	*Rep., Act XV of 1874.*	
,,	XI	*Private Dáks* . .	*Rep, Act XVII of 1837.*	
,,	XII	*Valuing land in suits* .	*Rep., Act X of 1862.*	
,,	XIII	Jurisdiction of Jágírdárs, etc	Rep. in part, Act XII of 1873; Act XII of 1876. Amended, Act IV of 1894. Extended, Act XV of 1840. Supplemented, Act XIV of 1882, s. 7	46
,,	XIV	*Lands on Mahabaleshvar Hills.*	*Rep., Act XV of 1874.*	
,,	XV	*Foreign Trade* . .	*Rep., Act XII of 1873.*	

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1830	XVI	*Self-immolation* . .	*Rep., Act XVII of 1862.*	
„	XVII	*Duties at Surat* . .	*Rep., Act XIX of 1844.*	
„	XVIII	*Joint Judge, Puna Zila* .	*Rep., Act XII of 1873.*	
„	XIX	*Joint Sessions Judge, Puna Zila.*	*Rep., Act XVII of 1862.*	
„	XX	*Malwa Opium* . .	*Rep., Act I of 1879.*	
1831	I	Land-suits . . .	Rep. in part, Act XII of 1873. Amended, Act XIII of 1842, s. 6; Bom. Reg. XVI of 1831. Supplemented, Act XIV of 1882, s. 7. Application extended, Bom. Act III of 1863, s. 4, and Bom. Act XIV of 1866, s. 3.	49
„	II	*Salt and Saltpetre* .	*Rep., Act I of 1838.*	
„	III	*Stamps on copies of decrees.*	*Rep., Act XXXVI of 1860.*	
„	IV	*Assistant Collectors' Criminal Jurisdiction.*	*Rep., Act XXV of 1839.*	
„	V	*Escapes from custody* .	*Rep., Act XVII of 1862.*	
„	VI	*Light-house on Peerum* .	*Rep., Act XVII of 1858.*	
„	VII	*Appeals in Civil Suits* .	*Rep., Act XIV of 1869.*	
„	VIII	*Sessions Judges, etc.* .	*Rep., Act X of 1872.*	
„	IX	*Police jurisdiction of land-holders.*	*Rep., Act XVII of 1862.*	
„	X	*Vechania and Gerania tenures.*	*Rep., Act XII of 1873.*	
„	XI	*Toll on Bhor Ghat Road.*	*Rep., Act II of 1837.*	
„	XII	*Repair of walls of Ahmedabad.*	*Rep., Act XIX of 1844.*	
„	XIII	*Customs-duties* . .	*Rep., Act I of 1838.*	
„	XIV	*Stamps* . . .	*Rep., Act XXXVI of 1860.*	

PART I.—BOMBAY REGULATIONS—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page
1831	XV	Falsification of records .	Rep. in part, Act XII of 1873. Residue rep. (locally), Bom. Act V of 1879.	Not re-printed.
,,	XVI	Land-suits . . .	Rep. in part, Act XII of 1873. Supplemented, Act XIV of 1882, s. 7. Application extended, Bom. Act III of 1863, s. 4, and Bom. Act XIV of 1866, s. 3.	50
,,	XVII	*Courts of Requests* .	*Rep., Act XI of 1841.*	
,,	XVIII	*Native Judicial Officers* .	*Rep., Act XIV of 1869.*	
1832	I	*Salt tax, Malwan and Vingorla.*	*Rep., Act I of 1838.*	
,,	II	Farmers of land-revenue .	Rep in part, Act XII of 1873 Residue rep (locally), Bom. Act V of 1879.	Not re-printed.
1833	I	*Manifests* . . .	*Rep., Act I of 1852.*	
,,	II	*Judicial Native Commissioners.*	*Rep., Act XIV of 1869.*	
,,	III	*Police*	*Rep., Act XVII of 1862.*	
,,	IV	*Trade, Salt-duty* . .	*Rep., Act I of 1838.*	
,,	V	Hereditary Officers . .	Rep. in part, Act XII of 1873, Bom Act III of 1874. Residue rep (locally), Bom. Act V of 1879.	Not re-printed.
,,	VI	*Exemption from payment of land-revenue.*	*Rep., Bom. Act VII of 1863.*	
,,	VII	*Rioting* . . .	*Rep., Act XVII of 1862.*	
,,	VIII	*Circuit by Judicial Commissioners.*		
,,	IX	*Prisoners under sentence of Courts beyond British India.*	*Rep., Act VIII of 1863.*	
,,	X	*Abkari Revenue, Island of Bombay.*	*Rep., Act XVII of 1859.*	

PART I.—BOMBAY REGULATIONS—*concld.*

1	2	3	4	5
Year	No.	Subject	How repealed or otherwise affected.	Page
1834	I	Abolition of Office of Deputy Agent for Saidárs in Dekkhan.	Rep. in part, Act XII of 1873, Act IV of 1894.	50
„	II	*Villages ceded by Angria Sirkeel.*	*Rep, Act XV of 1874.*	
„	III	*Town-duty, Bombay* .	*Rep Act XII of 1876.*	
„	IV	*Duty on cotton* . .	*Rep., Act I of 1838*	
„	V	*Tax on metals and piece-goods.*	*Rep, Act XIX of 1844.*	
„	VI	*Adjournment of Civil Courts.*	*Rep, Act XIV of 1869.*	

PART IA.—RULES, ORDINANCES AND REGULATIONS RELATING TO THE TOWN AND ISLAND OF BOMBAY.

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1812	I	*For good order and Civil Government of Island of Bombay.*	*Rep., Rule, Ordinance and Regulation II of 1827.*	
„	II	*Sale of spirit* . .	*Rep., Act XIII of 1856.*	
„	III	*Building within town-walls; encroachments; combustible articles.*	*Rep., Act XIV of 1856.*	
1813	I	*Maintenance of infants; aliens.*	*Rep., Act XIII of 1856.*	
„	II	*Pariah dogs; Pounds* .		
1814	I	*Disputes between masters and servants.*		
1815	I	*Control of sale of spirits.*		
„	II	*Wheels of hackeries* .	*Rep., Rule, Ordinance and Regulation I of 1818.*	
„	III	*Amending Rules, Ordinances and Regulations I and III of 1812.*	*Rep, Act XIV of 1856.*	
1818	I	*Wheels of hackeries* .	*Rep., Act XIII of 1856.*	
1820	I	*Shipping; desertion; harbour and dockyard.*		
1821	I	*Ballast* . . .		
1825	I	*Newspapers, books and papers.*	*Rep., Act XI of 1835.*	
„	II	*Repealing in part Rule, Ordinance and Regulation I of 1812.*	*Rep., Act IV of 1894.*	
1827	I	*Repealing in part Rule, Ordinance and Regulation I of 1814.*		
„	II	*Court of Petty Sessions; Magistrates of Police.*	*Rep., Act XIII of 1856.*	
„	III	*House of Correction* .	*Rep., Bom. Act II of 1874.*	

PART IA.—RULES, ORDINANCES AND REGULATIONS RELATING TO THE TOWN AND ISLAND OF BOMBAY—*concld.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1828	I	*Preventing goods from being left on quays.*	*Rep., Act IV of 1894.*	
1834	I	*Repealing in part Rule, Ordinance and Regulation II of 1827.*		

PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BOMBAY.

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected in Bombay.	Page.
1835	XIX	Assistant to Agent for Sardárs in Dekkhan.	Rep. in part and amended, Act XII of 1891. Supplemented, Act XIV of 1882, s. 7.	53
1837	XXVII	Salt	Rep. (except in Sindh), Bom Act VII of 1873. The whole Act, except ss. 1 and 12, was declared in force in Sindh by Notification No. 1234, dated 30th November, 1880 (see page xi of Appendix to this volume).	Not reprinted.
1838	XVI	Suits	Rep. in part, Act XIV of 1870; Act XVI of 1874, Act X of 1876; Bom. Act II of 1866; Bom. Act III of 1876.	54
,,	XVIII	Sureties . . .	Rep. in part, Act XVI of 1874 Residue rep, (locally), Bom. Act V of 1879.	Not reprinted.
,,	XIX	Coasting-vessels . .	Rep. in part, Act XIV of 1870, Act XVI of 1874, Act XII of 1876.	55
1839	XX	Levy of Haqqs, etc. .	Rep. in part, Act XVI of 1874. Amended, Act IV of 1894	59
1840	XV	Agents of Foreign Sovereigns, etc.	Rep. in part, Act XVI of 1874. Supplemented, Act XIV of 1882, s. 7	59
1842	XIII	Revenue	Rep. in part, Act XVI of 1874 Residue rep (locally), Bom. Act V of 1879. Supplemented, Act XIV of 1882, s. 7	Not reprinted.
,,	XVII	Revenue Commissioners .	Rep in part, Act XIV of 1870. Residue rep. (locally), Bom. Act V of 1879.	Not reprinted.
1844	XIX	Abolition of Town-duties, etc.	... ..	60

PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BOMBAY—*contd.*

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected in Bombay.	Page.
1846	III	Boundary-marks . .	Rep. in part, Act XVI of 1874, Bom. Act I of 1865 s. 50. Residue rep. (locally), Bom. Act V of 1879.	Not re-printed.
1848	XVIII	Nawáb of Surat . .	Rep. in part, Act XIV of 1870, Act XII of 1891.	Not re-printed.
1852	XI	Titles to Rent-free Estates	Rep. in part, Act XVI of 1874, Act X of 1876; Act IV of 1894. Application declared, Bom. Act V of 1879, s. 127.	60
„	XXI	Deputy Collectors . .	Rep. in part, Act XII of 1873; Act XII of 1876; Bom. Act I of 1868. Residue rep. (locally), Bom. Act V of 1879.	Not re-printed.
1853	XI	Shore-nuisances (Bombay and Kolába).	Rep. in part, Act XXII of 1855, Act XIV of 1870.	69
1855	X	Recusant Witnesses .	Rep. in part, Act X of 1861; Act XII of 1873; Act XII of 1891.	71
1856	XIII	Police (Bombay Town) .	Rep. in part, Act XLVIII of 1860; Act XIV of 1870, Act XVI of 1874 Act XII of 1875; Act IV of 1877; Act XII of 1891; Bom. Act IV of 1887. Amended, Bom. Act I of 1872. Bom. Act II of 1879. Supplemented, Act XLVIII of 1860; Act III of 1888.	74
1857	IV	Tobacco (Bombay Town) .	Rep in part, Act XIV of 1870; Act XVI of 1874; Act XII of 1876; Act XII of 1891.	90

PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BOMBAY—*contd.*

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Year.	No.	Subject.	How repealed or otherwise affected in Bombay.	Page.
1857	XXII	Bombay University . .	Rep. in part, Act XII of 1876; Act XII of 1891. Supplemented, Act XLVII of 1860; Act I of 1884.	96
„	XXIX	Land-customs . .	Rep. in part, Act XI of 1869; Act XIV of 1870; Act XIII of 1871; Act XVI of 1874; Act XII of 1876.	102
1860	XX	Sir Jamsetjee Jeejeebhoy.	.....	Not reprinted.
„	XLVIII	Police, Bombay Town (amending Act XIII of 1856).	Rep. in part (as to Straits Settlements), Act III of 1863. Rep. in part, Act XIV of 1870; Act XVI of 1874; Act IV of 1877; Bom. Act IX of 1867; Bom. Act IV of 1887; Bom. Act III of 1888. Amended, Bom. Act IV of 1882. Supplemented, Bom. Act I of 1872.	108
1864	II	Civil and Criminal Justice, Aden.	Rep. in part, Act XVI of 1891	117
1866	XXIII	Correction of Bombay High Court Letters Patent.	.....	124
1868	V	Commissioner in Sindh .	Rep. in part and amended, Act XII of 1891.	125
1869	XIV	Civil Courts . . .	Rep. in part, Act XIV of 1870; Act XII of 1876; Act VII of 1889; Act VIII of 1890; Act XII of 1891. Amended, Act X of 1876; Act IX of 1880; Act XV of 1880.	127

PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BOMBAY—*contd.*

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Year.	No.	Subject.	How repealed or otherwise affected in Bombay.	Page.
1871	IV	Coroners . . .	Rep. in part, Act IX of 1871; Act X of 1873; Act XII of 1873; Act XVI of 1874; Act XII of 1891. Rep. in part and amended, Act X of 1881; Act V of 1889.	138
1872	V	Jurisdiction over Sindh .	Amended, Act XX of 1872; Act XII of 1891.	146
„	XX	Jurisdiction over Sindh (amending Act V of 1872).	Amended, Act XII of 1891.	146
1876	X	Revenue Jurisdiction .	Rep. in part, Act IV of 1894; Rep. in part and amended, Act XV of 1880; Act XII of 1891. Amended, Act XVI of 1877.	147
„	XV	City of Bombay Municipal Debentures.	Rep. in part, Act I of 1879.	155
„	XX	Bhaunagar . . .	.....	157
1877	XIV	Incumbered Estates, Broach and Kaira.	Rep. in part, Act IV of 1894. Rep. in part and amended, Act XXI of 1881.	161
„	XVI	Revenue Jurisdiction (amending Act X of 1876).	.....	162
1879	IX	Burma Coast-lights .	Rep. in part, Act X of 1889.	162
„	XVI	Transport of salt . .	Amended, Act XII of 1891.	167
„	XVII	Dekkhan Agriculturists' Relief.	Rep. in part, Act XII of 1891; Rep. in part and amended, Act XXIII of 1881; Act XXII of 1882; Act XXIII of 1886.	173
„	XX	Glanders and Farcy .	Rep. in part, Act XXIV of 1886; Act XII of 1891.	199

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1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected in Bombay.	Page.
1880	IX	Civil Courts (amending Act XIV of 1869).	Rep. in part, Act XII of 1891.	202
„	XV	Revenue Jurisdiction (amending Act X of 1876).	Rep. in part, Act XII of 1884; Act XII of 1891.	202
1881	X	Coroners (amending Act IV of 1871).	Rep. in part, Act X of 1882. Rep. in part and amended, Act V of 1889, s. 3.	203
„	XX	Incumbered Estates, Sindh	Amended, Act XI of 1884.	206
„	XXI	Incumbered Estates, Broach and Kaira.	Declared not to be in force in the Pánch Maháls, Act VII of 1885.	220
„	XXIII	Dekkhan Agriculturists' Relief (amending Act XVII of 1879).	Rep. in part, Act XXII of 1882, s. 17; Act XXIII of 1886, s. 12 (*2*); Act XII of 1891. Virtually rep. in part, Act XXII of 1882, s. 11. Amended, Act XXII of 1882, ss. 14, 16; Act XXIII of 1886, ss. 9, 12(*1*), 12 (*3*).	231
1882	V	Easements . . .	Amended, Act XII of 1891. Application extended, Act VIII of 1891.	234
„	XXII	Dekkhan Agriculturists' Relief (amending Act XVII of 1879).	Rep. in part, Act XII of 1891. Amended, Act XXIII of 1886, s. 4.	258
1884	XI	Incumbered Estates, Sindh (amending Act XX of 1881).	Rep. in part, Act IV of 1894.	259
1885	VII	Pánch Maháls Laws .	Rep. in part, Act XII of 1891.	260
1886	XXIII	Dekkhan Agriculturists' Relief (amending the Acts of 1879 to 1882).	Rep. in part and amended, Act XII of 1891.	262

PART II—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BOMBAY—*concld.*

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Year.	No.	Subject.	How repealed or otherwise affected in Bombay.	Page.
1888	XII	Supplementing the Bombay and Calcutta Municipal Acts.	.....	263
1889	V	Coroners (amending Act IV of 1871).	Rep. in part and amended, Act XII of 1891.	265
„	XIV	Indemnity to certain witnesses.	.....	266
1891	VIII	Easements (extending Act V of 1882).	.....	267
1893	VI	Sir Dinshaw Manockjee Petit.	.....	Not reprinted.
1894	IV	Repeal and Amendment.	.....	267

PART III.—REGULATIONS MADE UNDER THE STATUTE 33 VICTORIA, CHAPTER 3, FOR BOMBAY.

1	2	3	4	5
Year.	No.	Subject.	How repealed or otherwise affected.	Page.
1872	V	Sindh Frontier . .	Rep. in part and amended, Reg. III of 1892.	271
1884	II	*Sindh Frontier . .*	*Rep., Reg. III of 1892.*	
1887	XI	Aden Pilgrims and Paupers.	.....	274
1891	II	Aden Laws . . .	.....	276
1892	III	Sindh Frontier . .	.....	279

APPENDIX:

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I.—Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874 iii

II.—Enactments declared, by notification under the Scheduled Districts Act, 1874, not to be in force in the Province of Sindh lxxi

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THE BOMBAY CODE.

PART I:
BOMBAY REGULATIONS.

N. B.—Sections 3 to 12 of the Bombay General Clauses Act, 1886 (printed in Vol. III of this Code), apply to these Regulations.

BOMBAY REGULATION II of 1827[*].

Passed on 1st January, 1827.

A Regulation for defining the constitution of Courts of civil justice, and the powers and duties of the Judges and officers thereof.

Preamble. *Repealed by Act XIV of 1869.*

CHAPTER I.

[*Supreme Court of Sadr Adálat.*]

1 to 15. *Repealed by Act XII of 1873.*

CHAPTER II.

Of Zila Courts, inclusive of the Subsidiary Courts of the Assistant Judges.

16 to 20. [*Appointment of Judge; his Court; his seal; his oath; acting Judge.*] *Repealed by Act XIV of 1869.*

21. *First.—The jurisdiction of the Civil Court shall extend to the cognizance of all original suits and complaints between Natives and others not British-born subjects, respecting the right to moveable or immoveable property, rents,*

[*] Ss 21, 47 to 54 (inclusive), and s. 56 of Bom. Reg II of 1827 were declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. They have been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh—see Appendix, p. iii.

Government-revenues, debts, contracts, marriage, succession, damages for injuries, and generally of all suits and complaints of a civil nature [a]; it being understood that no interference on the part of the Court in caste-questions is hereby warranted, beyond the admission and trial of any suit instituted for the recovery of damages on account of an alleged injury to the caste and character of the plaintiff, arising from some illegal act or unjustifiable conduct of the other party.

Caste-questions.

Second to *Seventh.*—[*Provisoes as to admission of suits; jurisdiction over British-born subjects.*] *Repealed by Acts X of 1861 and XIV of 1869.*

22 to 33. [*Jurisdiction; superintendence of inferior Courts; complaints against public officers; control of civil jail; subordination to higher courts; appointment of judges; oaths; duties; law officers; nazir; sherishtadar; record-keeper; administration of oaths.*] *Repealed by Act XIV of 1869.*

CHAPTERS III AND IV.

[*Appointment, Removal and Punishment of Officers of Courts; Courts of Commissioners for deciding Civil Suits.*]

34 to 44. *Repealed by Act XIV of 1869.*

CHAPTER V.

[*Courts for Recovery of Debts due by British Subjects.*]

45, 46. *Repealed by Act X of 1861.*

CHAPTER VI.

OF PLEADERS.

Authorized pleaders to hold sanads.

47. *First.*—Natives or others may be authorized to practise in each Court as pleaders (vakils) [b] in behalf of parties in any judicial proceeding, being qualified by sanad according to the rules in the succeeding section.

Persons allowed to act.

Second.—No person shall be allowed to act in any such proceeding except such pleaders, or the parties themselves or their recognized agents. [c]

Third.—[*Exception as to Court of Commissioner.*] *Repealed by Act I of 1846*

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[a] S. 21, clause first (except so much as prohibits interference of the Civil Courts in caste-questions), was repealed by Act X of 1861 and Act XIV of 1869.

[b] Cf. Act I of 1846, ss. 4, 5, in General Acts, 1834-66, Ed. 1887.

[c] Portion repealed by Act XII of 1873 is omitted.

Fourth.—In matters to which Government is a party, it shall be lawful for a pleader to act on a general vakálatnáma, to be issued by the officer under whose control the said matters are conducted, provided a duplicate be deposited in the Zila Court of the district in which he practises. Government pleader may hold general vakálatnáma.

48. *First.*—The number of pleaders shall not be limited, but any person duly qualified and of unexceptionable character shall be entitled to a sanad of appointment.[a] Number of pleaders unlimited

Second.—[*Qualifications; appointment how made.*] *Repealed by Act I of 1846.*

Third.—Each pleader, on being found qualified, shall be furnished with a sanad, under the seal of the Court of Sadr Díwání Adálat, in the form of Appendix J.[a] Sanads to be furnished

49. The pleaders in the Zila Courts shall practise each in such particular Court or Courts as may be assigned to them by the Zila Judge, or indiscriminately in all the Courts of the respective zila, if it be not found necessary to appropriate the pleaders to particular Courts. Practice of pleaders how regulated.

50. *First.*—A pleader shall not be allowed to act in any suit or proceeding until he has obtained from the party, and filed in Court, a power-of-attorney (vakálatnáma), according to the form contained in Appendix K, appointing him pleader in the cause. Pleader to file vakálatnáma.

Second.—If a party engages a pleader to act in his behalf, he shall present him with eight annas as a retaining fee, for which the pleader shall grant him a written acknowledgment, specifying the date of payment; and, if the said retaining fee be not offered, the pleader shall demand it, and abstain from all proceeding until it be delivered.[b] Retaining fee to be paid to pleader.

Third.—If, after receiving the retaining fee, a pleader shall engage with, or act for, the other party, or refuse or omit to act on behalf of his client, he may be punished by a fine not exceeding rupees five hundred; or, if the matter in litigation be less than rupees two hundred and fifty, then not exceeding twice the amount of the sum in dispute between the parties; or, if the circumstances are of an aggravated nature, may be suspended or dismissed under the rules contained in section 56 of this Regulation.[b] Penalty for failure to perform engagement.

Fourth.—The fine may be inflicted by the Court in which the suit relative to which the failure of duty occurred may be pending[c]. Court empowered to fine.

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[a] Cf. Act I of 1846, ss 4, 5, in General Acts, 1834-66, Ed. 1887.
[b] Cf. Act I of 1846, ss. 7, 8, in General Acts, 1834-66, Ed. 1887.
[c] Words repealed by Act XII of 1873 are omitted. Cf Act I of 1846, ss 10, 12.

51. *First.*—[*Representative character of pleader.*] *Repealed by Act X of 1861.*

Pleader to give receipts to client for papers and to return them when required. Penalty for misconduct.

Second.—It shall be incumbent on a pleader, at the time of receiving any accounts, writings or documents from his client, to give a written receipt for them, and to restore them when required, under penalty of a fine not exceeding rupees one hundred, to be levied under the rules contained in the last clause of the preceding section; or, if the circumstances be of an aggravated nature, of suspension or dismission, according to section 56 of this Regulation.

Fees in original suits.

[*] **52.** *First.*—Each pleader employed in prosecuting or defending an original suit shall be entitled to a percentage on the amount sued for, according to the rates specified in Appendix L, as a remuneration for his trouble in acting in behalf of his client, until the decree in the suit is passed, and thereafter until such decree is fulfilled.

In appeals.

Second.—The remuneration to a pleader employed in prosecuting or defending an appeal, regular or special, shall be the same as is above prescribed in the case of an original suit.

Private agreement not barred.

Third.—The above rules shall not prevent an express agreement being entered into between pleader and client, for either a larger or smaller sum than the established fee.

Pleader to have excess when costs awarded against other party exceed amount agreed upon.

Fourth.—But, if a larger sum than was agreed for between a pleader and client is awarded in costs against the other party, the pleader, notwithstanding his agreement with his own client, shall be entitled to the excess when recovered.

Fifth.—[*Recovery of fees.*] *Repealed by Act XII of 1873.*

53. *First.*—[*Half-fees.*] *Repealed by Act XII of 1873.*

Several pleaders may be engaged, but without prejudice to opposite party.

Second.—Either party may engage two or more pleaders to conduct his suit or defence, but the party found liable in costs will not be answerable for more than the established fee of one pleader on behalf of the other party.

Client may withdraw his vakálatnáma, but pleader not to withdraw without his consent or order of Court.

Third.—It shall be competent to a party at any time to withdraw the authority vested in a pleader to act in his behalf, on giving the Court notice in writing to that effect; but it shall not be competent to a pleader to withdraw from acting in behalf of his client without his consent or the special permission of the Court.

Fourth.—[*Fees in certain cases.*] *Repealed by Act XII of 1873.*

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[*] S. 52 is modified by Act I of 1846, ss. 6 and 7.

54. *First.*—If a pleader is unable to attend the Court in consequence of indisposition or other necessary cause, he shall notify the same to the Court in writing, in which case proceeding in the suit shall be stayed for such time as the Court deems reasonable, to enable the party to transfer by endorsement or otherwise his power-of-attorney (either temporarily or until the suit is determined) to another pleader; and any pleader absenting himself without written notice as above prescribed may be punished by fine not exceeding rupees one hundred, to be adjudged by the Court in which the failure of duty occurred, and levied as the amount of a decree by the same [a]. Pleader's absence to be reported. Penalty for absence without notice.

Second.—In case of the resignation, dismissal or death of a pleader, proceedings in the suit shall in like manner be stayed[a]. Stay of proceedings on resignation or death.

55. [*Fees in certain cases.*] *Repealed by Act I of 1846.*

56. A pleader accused of a criminal offence, or guilty of misbehaviour or neglect of duty, shall be liable to be suspended or dismissed *under the rules regarding Commissioners, contained in the third clause of section 38*[b] *of this Regulation*; but nothing herein contained shall prevent a party from instituting an action for damages against his pleader, when he may consider himself injured by his acts or omissions. Pleaders liable to suspension or dismissal without prejudice to private action for damages.

APPENDIX A.

Repealed by Act XII of 1876.

APPENDIX B.

Repealed by Act X of 1873.

APPENDIX C.

Repealed by Act XII of 1873.

APPENDICES D TO H.

Repealed by Act XII of 1876.

APPENDIX I.

Repealed by Bombay Act VI of 1866.

[a] Words repealed by Act XII of 1873 are omitted.
[b] S. 38 was repealed by Act XIV of 1869.

APPENDIX J.

(*See section 48, clause third.*)

FORM OF SANAD GRANTED TO A PLEADER.

Seal of the Sadr Díwání Adálat.

To *A. B.*, inhabitant of———.

In conformity with the provisions of Regulation II, A.D. 1827, you, *A. B.*, are hereby appointed to the office of Pleader in the Court of———: you will not be liable to be removed from your situation during your good behaviour, while you discharge your duty with zeal and integrity, under the rules contained in the Regulations which now are or hereafter may be in force.

By order of the Sadr Díwání Adálat.

(*Signed by the Register.*)

APPENDIX K.

(*See section 50, clause first.*)

FORM OF POWER-OF-ATTORNEY TO ENABLE A PLEADER TO ACT IN A SUIT.

IN THE COURT OF———.

Suit for Rs.———.

———*Plaintiff*,

against

———*Defendant.*

I———plaintiff (*or* defendant, *as the case may be*) do hereby authorize ———to appear and act as Pleader for me in the above suit.

Witness my hand, this—day of———, 18—.

(*Signed* or *the mark of*) { The Plaintiff / *or* / Defendant.

APPENDIX L.

(*See section 52, clause first.*)

STATEMENT SHOWING THE FEES TO WHICH PLEADERS ARE ENTITLED FOR ACTING THROUGHOUT ORDINARY SUITS WHEN THERE IS NO SPECIFIC AGREEMENT.

The Pleader's fee is	
in suits for not more than Rs. 2,000	three per cent.
in suits for from Rs. 2,000 to 10,000 inclusive—	
on Rs. 2,000 as above, and on the remainder	two per cent.
in suits for from Rs. 10,000 to 20,000 inclusive,—	
on Rs. 10,000 as above, and on the remainder	one per cent.
in suits for more than Rs. 20,000,—	
on that sum as above, and on the remainder	half per cent.

BOMBAY REGULATION IV OF 1827 [*].

Passed on 1st January, 1827.

A Regulation prescribing the forms of proceeding of the Courts of Law in civil suits and appeals, and rules for the trial of the same.

PREAMBLE. *Repealed by Act X of 1861, and again by Act XIV of 1869.*

1 to 23. *Repealed by Act X of 1861.*

24. *Repealed by Act XIV of 1869.*

25. *Repealed by Act X of 1861.*

26. The law to be observed in the trial of suits shall be Acts of Parliament and Regulations of Government applicable to the case; in the absence of such Acts and Regulations, the usage of the country in which the

Law to be observed by Courts.

[*] S. 26 and s. 69, clauses *second* and *third*, of Bom. Reg. IV of 1827 were declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. S. 26 and s. 69, clauses *second* and *third*, have been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Districts of Thar and Parkar and the Upper Sindh Frontier; and s. 26 has, by similar notification, been declared to be in force in the Districts of Karáchi, Hyderabad and Shikárpur—see Appendix, p. v.

suit arose; if none such appears, the law of the defendant; and, in the absence of specific law and usage, justice, equity and good conscience alone.

27. *Repealed by Act XIV of 1869.*

28 to 33. *Repealed by Act X of 1861.*

34. *First, Second, Third.—Repealed by Act X of 1861.*
Fourth.—Repealed by Act XVII of 1862.

35 to 51. *Repealed by Act X of 1861.*

52. *Repealed by Act XVII of 1862.*

53. *Repealed by Act X of 1861.*

54, 55. *Repealed by Act XVII of 1862.*

56 to 68. *Repealed by Act X of 1861.*

69. *First.—Repealed by Act X of 1861.*
Second, Third.—Repealed (locally) by Bombay Act V of 1879.

70, 71. *Repealed by Act X of 1861.*

72. *First, Second, Third.—Repealed by Act X of 1861.*
Fourth.—Repealed by Act XIV of 1869.
Fifth.—Repealed by Act X of 1861.

73 to 99. *Repealed by Act X of 1861.*

100. *Repealed by Act VI of 1874.*

APPENDICES A TO S.

Repealed by Act X of 1861.

BOMBAY REGULATION V OF 1827 [a].

Passed on 1st January, 1827.

A Regulation[b] containing rules of judication respecting written acknowledgments of debts executed without receipt of a full consideration, also regarding[b] the tendering payment of debts, and the disposal of property mortgaged or pledged.

Preamble. [c] WHEREAS justice, the interests of trade, and the easy and secure trans-

[a] The Preamble, and ss. 9, 14 and 15, of Bom. Reg. V of 1827 were declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. They have been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh—see Appendix, p. v.

[b] Words repealed by Act XII of 1876 are omitted.

[c] Words repealed by Act XII of 1873 are omitted.

action of money-dealings require that the effect of written acknowledgments of debts, when the receipt of a full consideration is contested, should be defined and made known, and that certain provisions should be framed[a] for determining the effects of tenders of payment, and the rights of parties concerned in property mortgaged or pledged;

the following rules have therefore been enacted[a].

CHAPTER I.

[*Limitation.*]

1 to 8. *Repealed by Act IX of 1871.*

CHAPTER II.

OF ACKNOWLEDGMENTS OF DEBTS EXECUTED WITHOUT RECEIPT OF A FULL CONSIDERATION IN VALUE.

Proof of amount of debt.

9. [b] *First.*—Written acknowledgments of debt in any shape shall not be held conclusive in a Court of law as to the amount, if the defendant show that a full consideration has not been received.

Proof in case of cultivator sued on writing executed out of British jurisdiction.

Second.—And in the case of a cultivator of the soil, sued upon a written acknowledgment executed at a place which was not at the time of such execution under British jurisdiction, if the circumstances are such as to convince the Court that the creditor might reasonably be expected to possess other proof of the amount besides such written acknowledgment (the consideration received for the same being contested), then the said writing shall not be held conclusive as to the amount, whether the defendant prove a deficiency in the consideration or not, but the Court shall pass a decree for only such amount as the claimant may otherwise prove to be due.

CHAPTER III.

[*Rate and Continuance of Interest.*]

10 to 12. *Repealed by Act XXVIII of 1855.*

13. *Repealed by Act XII of 1873.*

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[a] Words repealed by Act XII of 1873 are omitted.

[b] S. 9, *clause first*, is repealed, locally, so far as regards any suit to which section 12 of Act XVII of 1879 applies—see Act XVII of 1879, s. 12 (to be read with s. 1), *infra*, p. 177.

CHAPTER IV.

How a Claim to Interest is affected by Tender of Payment.

Interest ends upon tender made.

14. If a debtor can prove that he has tendered to a creditor the whole or any portion of the amount due, all further interest shall cease on the amount tendered.

CHAPTER V.

Of the Disposal of Property mortgaged or pledged.

[a] **15.** *First.*—When a creditor is placed in possession of property by mortgage or otherwise, as security for a debt, his claim over such property shall, in the absence of other special agreement, constitute his sole security for payment of the debt, or such part of it as the said property may have been given in security for, and interest thereon is to be considered as included in the said security.

Second.—If the property yield profit, and no stipulation has been made respecting the disposal of the said profit, or payment of interest on the debt, the profit shall be considered as equivalent for the interest.

Third.—In the absence of any special agreement, or recognised law or usage to the contrary, either party may at any time, by the institution of a civil suit, cause the property to be applied to the liquidation of the debt, the surplus, if any, being restored to the owner.

APPENDIX A.

Repealed by Act XII of 1873.

APPENDIX B.

Repealed by Act IV of 1894.

[a] S. 15 is repealed by Act IV of 1882 in the whole of the territories, other than the Scheduled Districts, under the administration of the Government of Bombay—see Act IV of 1882 (a revised edition of which, as modified to 1st April, 1893, has been published by the Legislative Department), s. 2, and Notification No. 5947, dated the 27th October, 1892, in Bombay Government Gazette, 1892, Part I, p. 1071.

BOMBAY REGULATION VIII OF 1827.[a]

Passed on 1st January, 1827.

A Regulation to provide for the formal recognition of heirs, executors and administrators, and for the appointment of administrators and managers of property by the Courts

Preamble.

WHEREAS, at the same time that it is in general desirable that the heirs, executors or legal administrators of persons deceased should, unless their right is disputed, be allowed to assume the management or sue for the recovery of property belonging to the estate, without the interference of Courts of justice, it is yet in some cases necessary or convenient that such heirs, executors or administrators, in order to give confidence to persons in possession of, or indebted to, the estate to acknowledge and deal with them, should obtain a certificate of heirship, executorship or administratorship, from the Zila Court;

And whereas, whenever there is no person on the spot entitled or willing to take charge of the property of a person deceased, or when the right of succession is disputed between two or more claimants, none of whom has taken possession, or where the heirs are incompetent to the management of their affairs and have no near relations entitled and willing to take charge on their behalf, or where a person possessed of property dies intestate and without known heirs, it is essential that the Zila Court should appoint an administrator for the management of the estate;

the following rules are therefore enacted [b]:

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[a] Bom. Reg. VIII of 1827 was declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. It was extended to the Province of Sindh by Bombay Act XII of 1866, s. 12 (printed in Vol. II of this Code), and was afterwards declared, by notification under the Scheduled Districts Act, 1874, to be in force in that Province—see Appendix, p. v.

As to court-fee on certificates granted under Bom. Reg. VIII of 1827, see clause viii of s. 19, and article 12A of Sch. I, of Act VII of 1870, a revised edition of which, as modified up to 1st July, 1891, has been published by the Legislative Department.

As to the application of certain provisions of the Succession Certificate Act (VII of 1889) and of s. 98 of the Probate and Administration Act (V of 1881) to certificates granted under Bom. Reg. VIII of 1827, to applications made for certificates under the Regulation, and to the exhibition of inventories and accounts by holders of such certificates, see Act VII of 1889, s. 28.

The grant of probate or letters of administration under the Probate and Administration Act (V of 1881) in respect of any property supersedes any certificate previously granted in respect of the same property under Bom. Reg. VIII of 1827—see s. 152 of Act V of 1881, a revised edition of which, as modified up to 1st July, 1890, has been published by the Legislative Department.

As to grant of certificate under the Succession Certificate Act (VII of 1889), on production of a certificate granted under Bom. Reg. VIII of 1827, see s. 4 of the former Act.

[b] Words repealed by Act XII of 1873 are omitted.

CHAPTER I.

Rules for the Recognition of Heirs, Executors and Administrators, when there is a competent Claimant.

Legal heir, etc., of person deceased competent to represent him, without recognition from Court.

1. Whenever a person dies leaving property, whether moveable or immoveable, the heir or executor, or legal administrator, may assume the management, or sue for the recovery, of the property, in conformity with the law or usage applicable to the disposal of the said property, without making any previous application to the Court to be formally recognized.

But if such recognition is requested,

proclamation will be issued.

2. *First.*—But if an heir, executor or administrator is desirous of having his right formally recognized by the Court, for the purpose of rendering it more safe for persons in possession of, or indebted to, the estate to acknowledge and deal with him, the Judge, on application, shall issue a proclamation, in the form contained in Appendix A, inviting all persons who dispute the right of the applicant to appear in the Court within one month from the date of the proclamation and enter their objections, and declaring that, if no sufficient objection is offered, the Judge will proceed to receive proof of the right of the applicant, and, if satisfied, grant him a certificate of heirship, executorship or administratorship.

Second.—[*Publication of proclamation.*] *Repealed by Act XII of 1873.*

If no objection appears, recognition to be granted.

3. If, at the expiration of the time mentioned in the proclamation, no sufficient objection has been made, the Court shall forthwith receive such proof as may be offered of the right of the person making the claim, and, if satisfied, shall grant a certificate in the form contained in Appendix B, declaring him the recognized heir, executor or administrator of the deceased.

Objection appearing, to be examined,

4. *First.*—If, before the expiration of the time, any objection is made to the right of the person claiming as heir, executor or administrator, the Judge, on a day to be fixed (of which at least eight days' previous notice shall be given to the parties) shall summarily investigate the grounds of the objections on the one hand, and of the right claimed on the other, examining such witnesses or other evidence as may be adduced by the parties, and

and recognition given or refused accordingly.

either grant or refuse a certificate, as the circumstances of the case may require.

If question is complicated or difficult, matter to be left for adjudication.

Second.—But if, from the evidence adduced, it appears that the question at issue between the parties is of a complicated or difficult nature, the Judge may suspend proceedings in the application for a certificate until the question has been tried by a regular suit instituted by one of the parties.

(Chap. I.—Rules for the Recognition of Heirs, Executors and Administrators, when there is a competent Claimant. Secs. 5-8. Chap. II.—Of the Appointment of an Administrator by the Zila Court, when there is no Heir or Executor competent and willing to be placed in possession. Sec. 9.)

5. Whenever an executor is formally recognized, under the rule contained in section 4, the authenticity of the will, if any, by which he is appointed, shall be proved, and the certificate of executorship shall be endorsed thereon. Authenticity of wills and recognitions how certified.

6. [*Wills and recognitions to be registered.*] *Repealed by Act XII of 1873.*

7. *First.*—An heir, executor or administrator, holding the proper certificate, may do all acts and grant all deeds competent to a legal heir, executor or administrator, and may sue and obtain judgment in any Court in that capacity. Recognized heir, etc., competent to manage property.

Second.—But, as the certificate confers no right to the property, but only indicates the person who, for the time being, is in the legal management thereof, the granting of such certificate shall not finally determine nor injure the rights of any person; and the certificate shall be annulled by the Zila Court, upon proof that another person has a preferable right. But recognition gives no title to property,

Third.—An heir, executor or administrator, holding a certificate, shall be accountable for his acts done in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted. nor relief from responsibility to claimants.

8. The refusal of a certificate by the Judge shall not finally determine the rights of the person whose application is refused, but it shall still be competent to him to institute a suit for the purpose of establishing his claim. Refusal of recognition no judgment against claim of applicant.

CHAPTER II.

Of the Appointment of an Administrator by the Zila Court, when there is no Heir or Executor competent and willing to be placed in possession.

9. Whenever there is no person on the spot entitled and willing to take charge of the property of a person deceased, where the right of succession is disputed between two or more claimants, none of whom has taken possession, or where the heirs are incompetent to the management of their affairs from infancy, insanity or other disqualification, and have no near relations entitled and willing to take charge on their behalf, the Judge within whose jurisdiction such property is may appoint an administrator for the management thereof, until the lawful heir, executor or administrator appears, or the right When heir, etc., is present but undetermined, or incompetent, Judge may appoint administrator,

of succession is determined, or the disqualification of the heir is removed, as the case may be, when the Judge, on being satisfied of the facts, shall direct the administrator in charge to deliver over the property to such person, with a full account of all receipts and disbursements during the period of his administration.

to be duly accountable when emergency at end.

If heir, etc., unknown, administrator to be appointed,

and proclamation issued,

[a] **10.** *First.*—Whenever any person dies intestate and without known heirs, leaving property, the Judge within whose jurisdiction the property is shall appoint an administrator for the management thereof, and shall issue a proclamation in the form contained in Appendix C, calling upon the heir of the deceased or any person entitled to receive charge of the property, to attend and prefer his claim.

and published.

Second.—The proclamation shall be published, [b] and if the deceased was a Native of any district or country without the limits of the Court's jurisdiction, and the property is of the value of rupees one thousand (1,000) [b] or upwards, the proclamation shall also be published in the [b] Government newspaper.

Heir, etc., appearing to be put in possession,

Third.—If any person appears and satisfies the Judge of his right to the possession of the property or any part of it as heir, executor, administrator or otherwise, it shall be delivered up to him, after deducting the necessary expenses of management.

and if no heir appears, reference to Sadr Díwáni Adálat,

who will grant time, or order sale and proceeds to be deposited.

Fourth.—But, if no person appears and establishes his right, the Judge, on the 31st December next after the completion of twelve months from the appointment of the administrator, shall make a report of the circumstances of the case to the Sadr Díwáni Adálat, accompanied by an inventory and valuation of the property; and it shall be lawful for the Sadr Díwáni Adálat either to direct the property to continue for a further period under the management of the administrator, or to be sold by him under the authority of the Court, and the proceeds to be deposited in the public treasury for the eventual benefit of all concerned.

Administrators appointed by Court to give security.

11. Whenever an administrator is appointed by the Judge under sections 9 and 10 of this Regulation, he shall, previously to entering upon the execution of his office, give security in a sum to be fixed by the Judge for the faithful

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[a] S. 10 does not apply to intestate property which is dealt with by a Magistrate under the Bombay District Police Act, 1890 (Bom. Act IV of 1890), s. 58 (2)—see s. 58 (3) of that Act, in Vol. III of this Code.

[b] Words repealed by Act XII of 1873 are omitted

discharge of his trust, and he shall be entitled to such remuneration as the Judge may fix for his trouble, but subject to modification by the Sadr Díwání Adálat, on the complaint of any person interested. and to be remunerated at discretion of Judge.

APPENDIX A.

Form of Proclamation to be issued when a person applies to be recognized as heir, executor or administrator of one deceased.

PROCLAMATION.

IN THE COURT OF THE ZILA OF_____

WHEREAS *A. B.*, inhabitant of——, died at——on or about the———day of———, and whereas *C. D.*, inhabitant of———, has presented an application to the Judge of the said zila for the purpose of being formally recognized as heir [executor *or* administrator *as the case may be*] of the said *A. B.*, this is to give notice to all persons who may dispute the right of the said *C. D.* as heir [executor *or* administrator, *as the case may be*] of the said *A. B.*, to appear in the Court of the said zila within one month from the date of this proclamation, there to enter their objections; and it is hereby declared that, if no sufficient objection is offered before the expiration of that period, the said Judge will forthwith proceed to receive proof of the said *C. D.'s* right, and to grant him, provided he shall appear entitled thereto, a certificate of heirship [executorship *or* administratorship, *as the case may be*] of the said *A. B.* deceased.

Dated at———this———day of———.

(*Signed*) { *By the Judge,*
Senior Assistant Judge,
or
Junior Assistant Judge.

APPENDIX B.

Form of Certificate to be granted to the recognized heir, executor or administrator of one deceased.

IN THE COURT OF THE ZILA OF_____

WHEREAS *A. B.*, inhabitant of——, died at—— on or about the——day of———, and application was made by *C. D.*, inhabitant of——, to the Judge

of the said Court, to be formally recognized as heir [executor *or* administrator, *as the case may be*] of the said *A. B.*; and, whereas the usual proclamation having been issued, no sufficient objection was offered to the right of the said *C. D.*; and whereas the said *C. D.* thereupon gave proof to the satisfaction of the Court of his right to be recognized as heir [executor *or* administrator, *as the case may be*] of the said *A. B.*:

This, therefore, is to certify that the said *C. D.* is the recognized heir [executor *or* administrator] of the said *A. B.* deceased.

Dated at——— this——— day of———.

(*Signed*) { *By the Judge,* / *Senior Assistant Judge,* / *or* / *Junior Assistant Judge.*

APPENDIX C.

Form of Proclamation to be issued when a person dies intestate, and without known heirs, leaving property.

PROCLAMATION.

IN THE COURT OF THE ZILA OF_____

WHEREAS *A B.*, inhabitant of——, died at—— on or about the———day of——, leaving the following property at——, within the said zila, namely, [*here specify the property*]; and whereas no will of the said *A. B.* has been found, nor is it known if he has any heirs: This is to give notice to all persons claiming to be heirs, or to be entitled to receive charge of the said property, to attend and prefer their claim in the said Court, in order that, on such claim being proved, the said property may be delivered up to them.

Dated at——— this——— day of———.

(*Signed*) { *By the Judge,* / *Senior Assistant Judge,* / *or* / *Junior Assistant Judge.*

BOMBAY REGULATION XII OF 1827.[a]

Passed on 1st January, 1827.

A Regulation *for the establishment of a system of Police throughout the zilas subordinate to Bombay, for providing rules for its administration, and* for defining the duties and powers of *all* Police-authorities *and servants.*

PREAMBLE. *Repealed by Act XVII of 1862, and again by Act XII of 1876.*

1. *Repealed by Bombay Act VII of 1867.*

2. *Repealed by Act XVII of 1862.*

3. *First.—Repealed by Bombay Act VII of 1867.*
Second.—Repealed by Bombay Act II of 1870.
Third, Fourth.—Repealed by Act XVII of 1862.
Fifth.—Repealed by Act X of 1873.

4. *Repealed by Bombay Act VII of 1867.*

5. *Repealed by Act XVII of 1862.*

6. *Repealed by Bombay Act VIII of 1867.*

7 to 9. *Repealed by Act XVII of 1862.*

10. *First* to *third.—Repealed by Act XVII of 1862.*
Fourth.—Repealed by Act X of 1872.
Fifth.—Repealed by Act XVII of 1862.

11, 12. *Repealed by Act XVII of 1862.*

13. *Repealed by Act X of 1872.*

14 to 18. *Repealed by Act XVII of 1862.*

[b]19. *First.*—It shall be lawful for the District Magistrate,[c] when the public benefit and comfort is in question, to institute rules respecting dharmsálas, liquor-shops, public wells, town-gates, and generally all places of public resort, regulating the hours at which they are to be open, the manner in which they are to be used, the equal and appropriate application

Power to make rules as to resort to dharmsálas, etc.

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[a] S. 19, s. 20, s. 27, clause *second*, and s. 37, clauses *first* and *second*, of Bom. Reg XII of 1827 were declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. They have been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh—see Appendix, p. vi.

[b] The portions of s. 19 here printed are repealed by the Bombay District Police Act, 1890 (Bom Act IV of 1890), s. 2 (printed in Vol. III of this Code), wherever that Act extends

[c] "District Magistrate" was substituted for "Magistrate" by Bom. Act III of 1886, s 2, printed in Vol. III of this Code.

of their accommodations, and such matters as conduce to maintaining orderly conduct among those who resort to them.

Second to Fifth.—[*Cutting firewood, etc.; removal of nuisances and combustible substances.*] *Repealed by Act XVII of 1862.*

Publication of rules and submission to Sadr Faujdári Adálat.

Sixth.—In exercising the authority conferred by this section, the District Magistrate [a] shall commence by issuing an injunction, which, if a particular individual be concerned, shall be personal to him, otherwise it shall be notified by oral proclamation made, and written notice fixed and kept, at such place or places as may be best adapted to convey information to the public, or the class concerned; a copy of which shall, at the same time, be forwarded to the Court of Sadr Faujdári Adálat, and it shall remain in force, unless forbidden by that Court: and, should any person persist in disobeying the injunction, any Magistrate[b] may compel observance thereof by force, and punish disobedience by fine not exceeding one month's computed average income of the culprit, simple[c] imprisonment[d] not exceeding one month, [e] or any of these combined.[f]

Punishment for violating rules.

Person deeming private rights infringed may try case in Civil Court.

Seventh.—Provided, however, that, in all questions arising out of the preceding clause of this section, it shall be competent to any individual who may deem himself possessed of a private right, which cannot equitably be interfered with, to file a suit in the Civil Court against the District Magistrate[a] to support his claim, and the [g]Magistrate before whom proceedings against such individual are being held,[g] if applied to, shall stay his proceedings for a reasonable period to allow of such suit being instituted.[c]

Any Magistrate may take charge of property left without owner.

Eighth.—[h] [i]Any Magistrate may[i] take charge of property found without an owner, and, if the provisions of Regulation VIII, A.D. 1827, Chapter II,[j] do not apply to the case, shall retain it for the eventual benefit of the said owner, on his defraying any expenses incurred; but, at any period, when these may have amounted to the computed value of the property, it may be sold to defray the same.

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[a] "District Magistrate" was substituted for "Magistrate" by Bom. Act III of 1886, s 2, printed in Vol III of this Code.

[b] "Any Magistrate" was substituted for "the Magistrate" by Bom. Act III of 1886, s. 2.

[c] "Simple" was substituted for "ordinary" by Bom. Act III of 1886, s. 2.

[d] Words repealed by Bom. Act III of 1886, s. 2, are omitted.

[e] Words repealed by Act XII of 1876 are omitted.

[f] Words repealed by Act XII of 1873 are omitted.

[g-g] These words were substituted for the word "Magistrate" by Bom. Act III of 1886, s. 2.

[h] Portion repealed by Act III of 1857 is omitted.

[i-i] These words were substituted for the original words by Bom. Act III of 1886, s. 2.

[j] Printed *supra*, p. 13.

20. The District Magistrate [a] shall keep standards of such weights and measures [b] as are used in retail-dealings throughout the districts under his charge, and they shall be open to the inspection of any one who may desire to examine them.

District Magistrate to keep standards of weights and measures.

21. *Repealed by Act XVII of 1862.*

22. *Repealed by Bombay Act VIII of 1867.*

23 to 26. *Repealed by Act XVII of 1862.*

27. *First.*—[*Imprisonment in default of recognizance or security.*] *Repealed by Act XVII of 1862.*

Second.—But the District Magistrate[a] is not precluded from adopting precautionary measures of a more lenient nature, in the case of a person who may be unable to furnish satisfactory recognizance or security for his attendance; such as, provided the District Magistrate [a] considers them sufficient for the purpose, allowing the party to remain under the inspection of some trustworthy person possessing influence over his conduct, or at some place of public resort, under charge of persons in usual attendance there; and similar measures may, under similar circumstances, be adopted to secure the good conduct of a suspected person; in which case additional restrictions may be made, as suggested by the party's habits, and the evil apprehended, such as prohibiting his leaving his residence, or certain limits, at particular times, or providing himself with a horse or arms, or any other restrictions which will not unreasonably affect his personal liberty, or deprive him of the means of procuring a livelihood; all which restrictions shall be notified to the party in writing, a copy thereof, with his signature, in token of assent, being kept by the District Magistrate,[a] and any breach thereof shall be punishable by simple[c] imprisonment[d] for a period not exceeding six months, which penalty also shall be inserted in the instrument.

Powers in respect of precautionary measures.

28, 29. *Repealed by Act XVII of 1862.*

30. *Repealed by Bombay Act VII of 1867.*

31. *First* to *Third.*—*Repealed by Act XVII of 1862.*
Fourth.—*Repealed by Bombay Act VII of 1867.*

32 to 36. *Repealed by Act XVII of 1862.*

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[a] "District Magistrate" was substituted for "Magistrate" by Bom. Act III of 1886, s. 2, printed in Vol. III of this Code.

[b] It is provided by s. 7 of the Measures of Length Act (II of 1889) that the District Magistrate shall keep, under Bom. Reg. XII of 1827, s. 20, such certified measures of the standard yard, standard foot and standard inch as are mentioned in s. 5 of that Act.

[c] "Simple" was substituted for "ordinary" by Bom. Act III of 1886, s. 2.

[d] Words repealed by Bom. Act III of 1886, s. 2, are omitted.

Villages liable to fine in case of robbery committed within their bounds.

37. *First.*—When robbery has been committed within the boundary of a village, or the perpetrators of a robbery have been satisfactorily traced thereto, and neglect or connivance be charged against the inhabitants or the police-establishment, with regard to prevention, detection or apprehension, it shall be competent to the District or Sub-Divisional Magistrate [a] to investigate the matter as a criminal offence, and, if the fact be well substantiated, to exact a fine not exceeding the value of the property lost, the whole or part of which may be awarded in compensation to the owner, according as the degree of caution and activity which he evinced on the occasion may deserve.

Levy of fines.

Second.—If the fine be awarded against the inhabitants at large, it shall be realized by the Collector in the same manner as revenue-demands, and paid to the order of the Magistrate; if against individuals of the police-establishment, it shall be levied [b] as directed for fines in general[b].

Third.—[*Orders by Court of Circuit.*] *Repealed by Act X of 1872.*

38, 39. *Repealed by Act XVII of 1862.*

40. *Repealed by Bombay Act VII of 1867.*

41 to 47. *Repealed by Act XVII of 1862.*

48 to 53. *Repealed by Bombay Act VIII of 1867.*

APPENDIX A.

Repealed by Bombay Act VI of 1866.

APPENDIX B.

Repealed by Act XVII of 1862.

APPENDIX C.

Repealed by Act XII of 1876.

APPENDIX D.

Repealed by Act XVII of 1862.

APPENDIX E.

Repealed by Act IV of 1894.

[a] "District or Sub-Divisional Magistrate" was substituted for "Magistrate" by Bom. Act III of 1886, s. 2, printed in Vol. III of this Code.

[b] Portions repealed by Act XII of 1873 are omitted.

APPENDICES F to M.

Repealed by Act XVII of 1862.

BOMBAY REGULATION XIII OF 1827[a].

Passed on 1st January, 1827.

A Regulation for defining the constitution of Courts of Criminal Justice and the functions and proceedings thereof.

PREAMBLE. *Repealed by Act XII of 1873.*

1 to 3. *Repealed by Act X of 1872.*

4 to 6. *Repealed by Act XVII of 1862.*

7 to 9. *Repealed by Act X of 1872.*

10 to 13. *Repealed by Act XVII of 1862.*

14, 15. *Repealed by Act X of 1872.*

16 to 26. *Repealed by Act XVII of 1862.*

27, 28. *Repealed by Act X of 1872.*

29, 30.—*Repealed by Act XVII of 1862.*

31. *First, Second.—Repealed by Act XVII of 1862.*
Third.—Repealed by Act XII of 1873.

32. *Repealed by Act XII of 1873.*

33. *First, Second.—Repealed by Act XII of 1873.*
Third.—Repealed by Act XVII of 1862.

34. *First, Second.—Repealed by Act XVII of 1862.*

Third.—A Magistrate to whom a summons has been forwarded for execution may, if he see sufficient cause, either reduce or increase the amount of penalty or period of imprisonment stated in the summons, specifying his reason for the same in his return; [b] and it shall be competent to a Court, [c] when the attendance of a public officer in permanent official employ, or of an individ- Substitution of letter for summons.

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[a] S. 34, clause *third*, of Bom. Reg. XIII of 1827 (in as far as it authorizes the occasional substitution of a letter for a summons) was declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. It has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh—see Appendix, p. vi.

[b] S. 34, clause *third*, except in as far as it authorizes the occasional substitution of a letter for a summons, was repealed by Act XVII of 1862.

[c] Words repealed by Act XII of 1876 are omitted.

ual of known respectability and prudent demeanour, is required, to notify the same to him by written order or letter, and take no other security than his returning the same with an endorsement signifying his acquiescence.

Fourth to *Eighth.*—*Repealed by Act XVII of 1862.*

Ninth.—*Repealed by Act XXIV of 1872.*

35. *Repealed by Act XVII of 1862.*

36. *First.*—*Repealed by Act XVII of 1862.*

Second.—*Repealed by Act X of 1873.*

Third, Fourth.—*Repealed by Act XVII of 1862.*

37 to 41. *Repealed by Act XVII of 1862.*

42. *Repealed by Bombay Act IV of 1865.*

43. *First.*—*Repealed by Act XVII of 1862.*

Second to Fourth.—*Repealed by Bombay Act IV of 1865.*

44 to 46. *Repealed by Bombay Act IV of 1865.*

APPENDICES A AND B.

Repealed by Act IV of 1894.

APPENDIX C.

Repealed by Bombay Act VI of 1866.

APPENDICES D TO N.

Repealed by Act IV of 1894.

BOMBAY REGULATION XXII OF 1827[*].

Passed on 1st January, 1827.

A Regulation to declare and define military authority, in its relations to the civil power and to the community at large.

PREAMBLE. *Repealed by Act XIII of 1889.*

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[*] Ss. 40 to 48 of Bom. Reg. XXII of 1827 were declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. They have been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh—see Appendix, p. ix.

(Chap. VII.—Of the Aid which may be furnished by Civil Authorities to expedite the March of Military Forces, and of Compensation to Individuals for Damage caused by the Troops on such occasions. Secs. 40-41)

CHAPTERS I TO VI.

[Courts-martial; Military Courts having civil and criminal jurisdiction; Police; Aid by Civil Authorities to Military Tribunals; Military Courts of Requests; Offences cognizable in Civil Court; Limits of Cantonments; Superintendent of Bazars; Process by Civil authority; Camp-followers.]

1 to 39. *Repealed by Act XIII of 1869.*

CHAPTER VII.

OF THE AID WHICH MAY BE FURNISHED BY CIVIL AUTHORITIES TO EXPEDITE THE MARCH OF MILITARY FORCES, AND OF COMPENSATION TO INDIVIDUALS FOR DAMAGE CAUSED BY THE TROOPS ON SUCH OCCASIONS.

Notice to District Magistrates through whose jurisdictions troops pass.

40. When military bodies, exceeding in number two hundred (200) of infantry, or one hundred (100) of cavalry, shall have occasion to march through a British territory, and also, if the number be smaller, provided they will require aid from the local authority, the commanding officer shall give timely notice to each District Magistrate[a] through whose jurisdiction he will pass, specifying the probable time of his arrival, the extent of the corps, and the nature of the aid (if any) which will be required.

Aid to be furnished by District Magistrate.

41. *First.*—If it be required, the District[b] Magistrate shall direct his establishment to be in readiness to procure guides, and such supplies of provisions as the country may furnish, and such conveyance for passing rivers or ghâts, or any peculiarly difficult places, as is professionally provided by the inhabitants for such purposes.

How paid for.

Second.—Provisions and conveyance supplied as above mentioned to individuals shall be paid for by them at the time and at the current rate of the place, the guides and conveyance for public property shall be paid for at the same rate by the Collector of the district, according to a certificate which the commanding officer is to grant, denoting the services performed; and the Collector is to insert the amount so disbursed at the foot of his treasury-account, in explanation of his treasury-balance as prescribed for similar cases.

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[a] "District Magistrate" was substituted for "Magistrate" by Bom. Act III of 1886, s. 2, printed in Vol. III of this Code.

[b] "District" was substituted for "local" by Bom. Act III of 1886, s. 2.

(Chap. VII.—Of the Aid which may be furnished by Civil Authorities to expedite the March of Military Forces, and of Compensation to Individuals for Damage caused by the Troops on such occasions. Secs. 42-43.)

On emergent occasions aid may be procured by impressment.

42. *First.*—When emergent occasions require the immediate march of troops, and more extensive aid towards it than is allowed by the preceding section is necessary, the District[a] Magistrate may resort to impressment under the following rules, being careful to define the nature of the employment for which the impressment is made, and the period it is to continue.

What considered as constituting emergency.

Second.—The District Magistrate's[b] authority for acting as in the preceding clause shall be either an order from the Governor in Council, or a letter from the commanding officer, declaring his inability to proceed without the District Magistrate's[b] aid, and fully explaining the circumstances which render the movement of paramount importance to the general inconvenience occasioned by impressment, on receipt of which the District Magistrate[b] will act at discretion.

Remuneration how made.

Third.—Remuneration for services or supplies procured by impressment is to be fixed by the District Magistrate[b] on a liberal scale, and paid according to the principles of clause second, section 41, of this Regulation, namely, individuals are to pay for that which is personal accommodation, and the Collector is to defray the charges incurred for the public service under the above-quoted rules.

Report as to impressment.

Fourth.—Whenever impressment shall take place by virtue of this section, the District Magistrate[b] shall, within ten (10) days, report the fact, with the cause and extent of impressment, and the rates of remuneration allowed,[c] to the Governor in Council[c].

Certificate to be furnished to person sustaining injury.

43. *First.*—When damage is occasioned to individuals by the march or encampment of troops, the commanding officer shall, on application by the sufferer, furnish him with a certificate of the nature, extent and cause thereof.

Effect of certificate.

Second.—The certificate mentioned in the preceding clause shall, if presented to the Collector or any of his officers holding charge of a district within ten (10) days from its date, entitle the sufferer to compensation for loss occasioned by such movements or positions of the troops as are *bonâ fide* of a military nature.

Suit against Collector when to be instituted.

Third.—On a demand being made by virtue of this section to the Collector, he shall inquire into its merits, and, if satisfied that it is just, shall apply to

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[a] "District" was substituted for "local" by Bom. Act III of 1886, s. 2, printed in Vol. III of this Code.

[b] "District Magistrate" was substituted for "Magistrate" by Bom. Act III of 1886, s. 2.

[c] Words repealed by Act XII of 1873 are omitted.

Government for permission to pay it; if the Collector think the demand is not just, or if Government withhold permission to pay it, the complainant may bring the case to decision according to the process of civil law by instituting a suit against the Collector.

CHAPTERS VIII AND IX.

[*Requisitions for Military aid by Civil Authorities; Spirituous Liquors.*]

44 to 55. *Repealed by Act XIII of 1889.*

BOMBAY REGULATION XXV OF 1827[a].

Passed on 1st January, 1827.

A Regulation for the confinement of State prisoners and for the attachment of the lands of Chieftains and others for reasons of State.[b]

WHEREAS reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceedings, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper; Preamble.

and whereas it is fit that, in every case of the nature herein referred to, the measures adopted should emanate immediately from the Governor in Council;

and whereas the reasons above declared sometimes render it necessary that the estates and lands of zamíndárs, táluqdárs and others situated within the zilas subordinate to Bombay should be attached and placed under the temporary

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[a] Bom. Reg. XXV of 1827 was declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. It has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh, in Aden, in the villages belonging to the following Mehwassi Chiefs:—

(1) the Párví of Káthí,
(2) the Párví of Nál,
(3) the Párví of Singpúr,
(4) the Walwi of Gaohálli,
(5) the Wasawa of Chikhli, and
(6) the Párví of Nawalpúr,

and in the Point Territory—see Appendix, pp. xi, xliv, xlv, lxii and lxvi, respectively.

[b] For further provisions, see Acts XXXIV of 1850 and III of 1858, in General Acts, 1834-66, Ed. 1887.

management of the Revenue authorities, without having recourse to any judicial proceeding;

the following rules have therefore been enacted[a]:

CHAPTER I.

RULES FOR THE APPREHENSION AND CONFINEMENT OF INDIVIDUALS AS STATE PRISONERS.

Proceeding for placing persons under restraint as State prisoners.

1. *First.*—When any of the considerations stated in the preamble of this Regulation may seem to the Governor in Council to require that an individual should be placed under restraint, without any immediate view to ulterior proceedings of a judicial nature, it shall be lawful for the Governor in Council, *provided always that, with reference to the individual, the measure shall not be in breach of British law*[b] to cause such individual to be apprehended in such manner as the Governor in Council may deem fit, and, when apprehended, to be delivered over to any officer in whose custody it may be deemed expedient that he shall be placed, with a warrant of commitment to such officer's address.

Form and authority of warrant.

Second.—The warrant of commitment shall be in the form specified in Appendix A, and shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within the zilas subordinate to Bombay.

Allowance for support of State prisoner.

2. The Governor in Council shall fix such allowance for the support of the State prisoner as may seem to him expedient in reference to the prisoner's habits and rank in society, and shall specify at the same time through whose means it is to be paid and how it is to be applied.

Report to Government as to conduct, etc., of prisoner.

3. Every officer in whose custody any State prisoner may be placed shall, on the 1st of January and 1st of July of each year, submit a report to the Governor in Council, through the Secretary to Government in the Political Department, on the conduct, the health and the comfort of such State-prisoner, in order that the Governor in Council may determine whether the orders for his detention shall continue in force or shall be modified.

Prisoner in custody of

4. *First.*—[*Powers of Judge of Circuit.*] *Repealed by Act XII of 1873.*

Second.—When any State prisoner is placed in the custody of any public

[a] Words repealed by Act XII of 1873 are omitted.

[b] So much of s. 1, clause *first*, as provides that, with reference to the individual, the apprehension and confinement therein referred to shall not be in breach of British law, was repealed by Act III of 1858, except so far as the said provision applies to European British subjects.

(*Chap. I.—Rules for the Apprehension and Confinement of Individuals as State Prisoners. Sec. 5. Chap. II.—Rules for the Attachment of Lands for Reasons of State, and for removing such Attachment. Sec. 7.*)

officer not being a [a]District Magistrate, the Governor in Council shall instruct either the [a]District Magistrate, [b] or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner.

officer other than District Magistrate by whom to be visited.

5. *First.*—Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor in Council whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Report to Government as to confinement, etc., of prisoner.

Second.—The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the Governor in Council.

Representations of prisoner to be submitted.

6. [*Persons already confined as State Prisoners.*] *Repealed by Act XII of 1876.*

CHAPTER II.

Rules for the Attachment of Lands for Reasons of State, and for removing such Attachment.

7. Whenever the Governor in Council, for reasons of the nature of those specified in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zamíndár, jágírdár, táluqdár or other person without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and the District Magistrate[a] or other civil authorities of the district in which the lands or estates may be situated [c].

Attachment of estates by order of Government without decision of Court.

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[a] "District Magistrate" was substituted for "Magistrate" by Bom. Act III of 1886, s. 2, printed in Vol. III of this Code.

[b] Words repealed by Act XII of 1873 are omitted.

[c] Words repealed by Act XII of 1876 are omitted.

Management of attached lands.

8. *First.*—The lands or estates which may be temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collections shall be made and adjusted on the same principles, if consistent with the rights of others, as had been followed by the proprietor: provided, however, that any change may be introduced which the proprietor may desire, and which may not infringe on private rights, nor appear objectionable to the Collector; and annual accounts of the management of the lands attached shall be furnished to the proprietor.

Attached lands how saleable in execution. Income applicable to satisfaction of decrees.

Second.—Such lands or estates, while so under attachment, shall not be liable to be sold by process of law, or otherwise, without the mutual consent of Government and the proprietor; but the annual income or any portion of it may, if Government shall so direct, be applicable to the satisfaction of decrees of the Civil Court.

Rules as to cases where Government orders release from attachment.

9. Whenever the Governor in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue-authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estates which may have accumulated during the attachment.

APPENDIX A.

To THE (*here insert the officer's designation*) [a].

WHEREAS the Governor in Council, for good and sufficient reasons, has resolved that (*here insert the State prisoner's name*) shall be placed under personal restraint at (*here insert the name of the place*), you are hereby ordered, in pursuance of that resolution, to receive the person above-named into your custody, and to deal with him in conformity to the orders of the Governor in Council and the provisions of Regulation XXV, A.D. 1827.

By order of the Governor in Council.

(*Signed*) *A. B.*,
Secretary to Government.

BOMBAY CASTLE:
———*day of*———*18*——.

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[a] As to direction of the warrant, see Act XXXIV of 1850, s. 1 (in General Acts, 1834-66, Ed. 1887, p. 70), as applied to Bombay by Act III of 1858, s. 3 (*ib.*, p. 134).

BOMBAY REGULATION XXIX OF 1827. [a]

Passed on 1st August, 1827.

A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkhan and Khándesh.

Preamble.

WHEREAS, subsequently to the conquest by the Company of the territories of the late Peshwa, in the Dekkhan and Khándesh, and the acquisition from other States by treaties and agreements of other territories within the said countries, the governments of all the said territories have, with the view of avoiding the abrupt introduction of extensive change, been conducted under the orders of the Governor in Council, constituting a system which was calculated gradually to prepare the way for the introduction of the general rules of the British administration;

and whereas the Regulations for the administration of the Bombay territories have in the meantime been revised, and it has now been judged expedient to bring the territories in the Dekkhan and Khándesh under the revised Regulations, being the first twenty-six (26) Regulations of 1827 [b], with certain modifications;

the following rules have been enacted [c]:

Regulations made applicable to Dekkhan and Khándesh.

2. *First.*—The first twenty-six (26) Regulations of 1827 [b] [d] shall, from the 1st September, 1827, be of force and effect, except as specifically enacted to the contrary, throughout the Bombay territories in the Dekkhan and Khándesh, consisting of the zilas of Puna and Ahmadnagar, as described in Appendix A to this Regulation [c].

Second. [*Fees.*] *Repealed by Act XII of 1876.*

Persons excluded from jurisdiction of Courts.

3. *First.*—With reference to the said zilas, [c] suits against certain persons of rank, as hereinafter specified, shall not come under the jurisdiction of the Civil Courts.

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[a] As to the application of Bom. Reg. XXIX of 1827 to the Southern Maráttha Country (Dhárwár District), see Bom. Reg. VII of 1830, *infra*, p. 37. As to its application in certain other territory, see Bom. Act III of 1863, s. 4, and Bom. Act XIV of 1866, s. 3, in Vol. II of this Code.

As to the application of the Code of Civil Procedure in cases of the nature defined in Bom. Regs. XXIX of 1827 and VII of 1830, and in appeals to the Civil Courts, see Act XIV of 1882, s. 7. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department)

[b] Most of these Regulations have been repealed—see Chronological Tables, Pt. I, pp. XV to XVII, *supra*. The unrepealed portions of the others are printed on the preceding pages.

[c] Portion repealed by Act XII of 1876 is omitted.

[d] Words repealed by Act IV of 1894 (printed *infra*, p. 267) are omitted.

List to be furnished to Judge.

Second.—A list [a] of the said persons of rank will be furnished by Government to the Judge, who will, on application, communicate the same to any person who, as plaintiff or defendant, may show that his interest requires his being supplied with that information.

Agent to be appointed for trial of suits against them.

4. *First.*—An Agent[b] of Government shall be specially appointed for the purpose of receiving and trying and deciding all complaints of a Civil nature which would, under the ordinary rules, be cognizable by either of the Judges of Puna and Ahmadnagar against any of the persons[c] contemplated in the preceding section: he shall be furnished with a list of the said persons of rank, and with instructions descriptive of the respective rules of procedure to be followed in the case of each such person, and he shall communicate to any individual making application so much of the above-mentioned information as such individual may show to be important to his own interest.

List and instructions to be furnished to him

List and instructions what to comprise and provide.

Second.—The list above-mentioned shall comprise three (3) classes of persons of rank; and the instructions above-mentioned shall provide three (3) several modes of procedure, applicable respectively to each class of the said persons of rank.

Conduct of suits against first class persons.

5. *First.*—Suits against the persons belonging to the first of the classes comprised in the Agent's list, being individuals of the very first distinction and influence under the Peshwa's Government on account of their birth, their political importance, or the religious estimation in which they were held, shall be conducted and decided by the Agent, reference being had in the most ample degree to the privileges of the defendant by former usage and custom enjoyed, and to other peculiar characteristics of the case conformable to like usage and custom;

Decrees not to be executed without reference to Government.

and no decree against any such defendant shall be enforced until the suit and all proceedings thereon shall have been referred to the Governor in Council (to whom also the plaintiff may appeal), who, as a special superior Court for the adjustment of such suits, will pass such order thereon as he may

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[a] As to appeals from decisions passed by jágírdárs included in this list, see Bom. Reg. XIII of 1830, s. 3 *infra*, p. 47.

As to Courts having power to take cognizance of land-suits in which persons included in this list are concerned as defendants, see Bom. Reg. I of 1831, *infra*, p. 49, and Bom. Reg. XVI of 1831, *infra*, p. 50.

[b] As to transfer to the Agent of suits of the description formerly tried by the Deputy Agent, see Bom. Reg. I of 1834, *infra*, p. 50.

As to transfer of suits to the Assistant Agent, see Act XIX of 1835, *infra*, p. 53.

[c] As to land-suits in which such persons are concerned as defendants, see Bom. Reg. I of 1831, *infra*, p. 49, and Bom. Reg. XVI of 1831, s. 2, *infra*, p. 50.

deem just and equitable, an appeal to the King in Council being open to either party. Appeal.

Second.—Suits against the persons belonging to the second of the classes comprised in the Agent's list, being individuals not equal in consideration to those above adverted to, but of high rank and importance under the Peshwa's Government, shall be conducted and tried by the Agent, reference being had in a great degree, and in conformity to former usage and custom, to the rank of the defendant, his situation and privileges, under the Peshwa's Government, as affecting his creditor's means of compelling payment during that period, his present means of discharging the debt, and other points material to the real equity of the plaintiff's claim and the defendant's liability. Conduct of suits against second class persons.

An appeal against the Agent's decision to the superior Court of the Governor in Council, as above constituted, shall be open to either party: Appeal to Government.

the petition of appeal shall be presented either to the Agent or to Government within ninety (90) days (which period may be extended for good reasons) after the Agent's decision was passed: the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit, and a final appeal to the King in Council shall be open to either party. Limitation.

Third.—Suits against the persons belonging to the third of the classes comprised in the Agent's list, being individuals inferior in rank to those of the classes previously described, but still equitably entitled, on account of the privileges hitherto enjoyed by them, to a certain special degree of consideration, shall be conducted and tried by the Agent, in like conformity to usage and custom, with some relaxation of the rules of the general Regulations and some portion of attention to the points above specified for regulating his decisions in suits against individuals of the two superior classes. Conduct of suits against third class persons.

An appeal to the Sadr Díwání Adálat against the Agent's decision shall be open to either party; Appeal to Sadr Adálat.

the petition of appeal shall be presented, either to the Agent or to the Sadr Díwání Adálat, within ninety (90) days (which period may be extended for good reasons) after the Agent's decision was passed: the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit; with which view the instructions of the Agent, with regard to the defendant, shall be communicated by Government to the Sadr Díwání Adálat; and a final appeal to the King in Council shall be open to either party[a]. Limitation.

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[a] Words repealed by Act XII of 1876 are omitted.

6. [*Certain classes of suits excluded from jurisdiction of Courts.*] *Repealed by Act X of 1876.*

7. [*Pleaders; jurisdiction; appeals; execution of decrees.*] *Repealed by Act XIV of 1869.*

APPENDIX A[a].

(*See section 2, clause 1st.*)

Territorial description of the Zilas in the Dekkhan and Khándesh, established under the Presidency of Bombay; formed of conquests from the Peshwa (proclamation of occupation, 11th February, 1818), and cessions from Holkar (treaty 6th January, 1818), Sindia (treaty 6th February, 1820), and the Nizam (treaty 12th December, 1822).

ZILA OF PUNA.

The two (2) tarafs Haveli-Puna and Karyát-Mával.

The fifteen (15) following villages of the taraf Keru Bára, namely:—

1 Sivra,	8 Kámsa,
2 Kondhanpur,	9 Khetkavla,
3 Kalyán,	10 Kumbosi,
4 Ráhtavḍa,	11 Gávardari,
5 Ombra,	12 Gogalvád,
6 Árvi,	13 Kaumthaḍi,
7 Divra,	14 Khed Sivapur,

15 Kelvaḍ.

The three (3) following villages of the taraf Musa Khora, namely:—

1 Jámli,	2 Sonápur,

3 Sángrun.

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[a] So much of Bom. Reg. XXIX of 1827 as related to the villages of Jálihál, Tingni Bidri, Hongalhalli, Kárjol, Upaldinni, *Allásandeh* (?) and *Boblad* (?) was repealed by Act VI of 1842.

So much of Appendix A to Bom. Reg. XXIX of 1827 as declared the villages contained in the schedule to Act XI of 1846 and the lands attached thereto (being parts of the parganas of Nandurbár, Sultánpur and Kukarmunda, in the province of Khándesh), subject to the Regulations established for the administration of civil and criminal justice in the Bombay Presidency, was repealed by that Act.

So much of Bom. Reg. XXIX of 1827 as related to the following villages in the Puna District, *viz.*:—

1. The Punt Sucheo's village of Apti, Taraf Hardus-Mával,
2, 3, 4. The Punt Sucheo's villages of Watar, Bhambourdy and Gunund in that part of the Tarafs of Nir Thadi and Sirval which lies north of the Nira river,

was repealed by Act IV of 1868.

The three (3) following villages of the taraf Muta Khora, namely :—

1 Ámbegaon,	3 Ámbi.
2 Bhávli,	

The two (2) following villages of the taraf Káuad Khora, namely :—

1 Vinjer,	2 Ántroli.

The village of Apti, taraf Hardus-Mával[a].

The eighteen (18) tarafs, Sándas, Pátas, Pánbal, Máhlunga, Ausiri, Kheḍ, Chákan, Ghoda, Váda, Ámbegaon, Junna, Votur, Ála, Bela, Markhoḍa, Kokatner, Minner and Náráyangaon.

The ten (10) following villages of the taraf Kurda, namely :—

1 Ámbi,	6 Bhaugri,
2 Khámbori,	7 Áldara,
3 Barádi,	8 Lingdi,
4 Lavki,	9 Ghásgaon,
5 Nándur Kandumál,	10 Pimpalgaon Jog.

The three (3) tarafs, Andar Mával, Náni Mával and Pauḍ Khora.

The thirty-two (32) following villages of the taraf Paun Mával, namely :—

1 Karunj,	17 Shivner,
2 Ámbegaon,	18 Bauver,
3 Pusáni,	19 Thugaon,
4 Chándkheḍ,	20 Parḍavḍi,
5 Kila,	21 Maháǵaon,
6 Shevti,	22 Kusgaon,
7 Sindgaon,	23 Yelsi,
8 Pávla,	24 Bebarvohol,
9 Kurda,	25 Riha,
10 Siravli,	26 Pauchana,
11 Ghivandi Álvan,	27 Bersi,
12 Apti,	28 Badavli,
13 Kauter Khaḍak,	29 Árra,
14 Malavli.	30 Ursi,
15 Shivli,	31 Gotavra,
16 Áridiv,	32 Ádala Khurd.

The three (3) tarafs, Kari Pathár, Sásvaḍ and Supa.

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[a] See footnote on last preceding page.

So much of the two (2) tarafs Nír Thadi and Sirval as lies north of the Níra river[a].

The six (6) tarafs, Indápur, Bárámati, Mohol, Undartappa to the west of the Sína river, Bhusa and Temburni.

The four (4) following villages of the taraf Karkam, namely :—

1 Gursáli,
2 Bádalkot,
3 Karola,
4 Ujini.

The two (2) following villages of the taraf Káthi, namely :—

1 Sorsti,
2 Shankargaon.

The three (3) tarafs, Sholápur, Ahirvádi and Mandrup.

The five (5) following villages denominated the Sammot Phutgaon, namely :—

1 Andál,
2 Muránchi,
3 Nerkhed,
4 Dárphal,
5 Mangrul.

The seven (7) tarafs, Indi, Támba, Hippargi, Jalvad-Kokatnúr, Almel Bardul and Ukli.

The three (3) following villages of the taraf Haveli Bijápur, namely :—

1 Ukmanhál,
2 Kaulga,
3 Ahleabad.

The four (4) following villages of the taraf Horti, namely :—

1 Ránjanhál,
2 Minchanhál,
3 Tilihál,
4 Kyátilkiri.

The qasba of Sindgi.

The six (6) following villages of the taraf Honvad, namely :—

1 *Jálihál*[b]
2 Rámtirát,
3 Yetinhál,
4 Árahalli,
5 Kaltavteghi,
6 Ghonasghi.

The seven (7) following villages of the taraf Ánti, namely :—

1 Áralhatti,
2 Abihál,
3 Tangarri,
4 Mangsula,
5 Balgheri,
6 Sambárga,
7 Bemanhál.

The two (2) following villages of the taraf Halsanghi, namely :—

1 Bhatgunk,
2 Gotihál.

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[a] As to three of the villages in these tarafs, see footnote on p. 32, *supra*.
[b] See footnote on p. 32, *supra*.

(*Appendix A.*)

The six (6) following villages, namely :—

1 Ávarkor,	4 *Tingni Bidri*[a].
2 Hina Parsalghi,	5 *Hongalhalli*[a].
3 Surpál,	6 *Kárjol*[a].

The two (2) tarafs, Tálikoti and Nálatváḍ.

The qasba of Bágeváḍi and the two (2) villages of Masbinhál and Yeivál.

The four (4) following villages in the taraf Muhammadpur, namely :—

1 Jaynápur,	3 *Upaldinni*[a].
2 Budeni,	4 Gurodhál.

The village of Bhágánagar, taraf Sednák.

The seven (7) following villages of the taraf Chimalghi, namely :—

1 Disálkop,	4 Golsinghi,
2 Mijarkop,	5 Gharri,
3 Mukartihál,	6 Liklevádi,

7 Maundghi.

ZILA OF AHMADNAGAR.

(*Ahmadnagar Collectorship.*)

Bársi Pánch Maháls.

The Peshwa's share of the pargana Doka.

The village of Vághola in the Dhárur pargana.

So much of the pargana Haveli-Parinda as lies west of the Sína river, and the village of Sonári to the east of the said river.

The two (2) parganas of Jámkheḍ and Vánghi.

The Peshwa's share of Pránt Karrevarit and that part of the Nizám's share which lies west of the Sína river.

The Peshwa's share of the Ashti pargana and the taraf Mánur.

The two (2) tarafs, Nagar Haveli and Ránjangaon.

The Pargana Párner.

The nine (9) following villages in taraf Belha, namely :—

1 Davalgaon,	4 Babra,	7 Ukargaon,
2 Orngaon,	5 Kolgaon,	8 Isápur,
3 Karnjavna,	6 Sidori,	9 Ándalgaon.

The two (2) parganas of Kharda and Nevása, except the village of Jalka.

The two (2) tarafs, Gánjí-Bhoyra and Vávrad.

The pargana Bálágaon Nandur.

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[a] See footnote on p 32, *supra*.

(*Appendix A.*)

The Peshwa's share of the two (2) parganas Bijápur and Gándápur, together with the village of Tákli.

The pargana Sangamner, together with the three (3) qasbas of Ráháta Puntámbo and Wháva.

The thirteen (13) parganas, Dhándarphal, Kotúl, Akola, Sinnar, Kumbhári, Pátoḍa, Násik, Trimbak, Vághera, Vani, Dindori, Shevgaon and Chándor.

(*Khándesh Collectorship.*)

The thirteen (13) parganas, Laling, Songir, Ner, Amalner, Betávaḍ, Dhángri, Garondol, Jalod, Chandshahar, Bhadgaon, Bhál, Utrán and Masva.

The pargana Páchora which belongs to Sindia, but is governed by the British.

The taraf Lohára Haveli which belongs to Sindia, but is governed by the British.

The taraf Sángvi, in the Lohára pargana.

The five (5) parganas, Shendurni, Chálisgaon, Rájdesh, Máhombárái and Mánikpuri.

The eighteen (18) following villages of the Kanna pargana, namely :—

1 Rolter,	10 Kanedi,
2 Rohilla,	11 Jalgaon,
3 Porkri,	12 Jámdi,
4 Malligaon,	13 Tunvana,
5 Chámpáner,	14 Palásgaon,
6 Hingna,	15 Málpur,
7 Náydongri,	16 Vetalpur,
8 Sáhkegaon,	17 Makrandarpur,
9 Kadra,	18 Narsinhpur.

The two (2) qasbas of Ránjangaon and Játegaon.

The twenty-four (24) parganas, Gálna, Chikhalvohol, Tokra, Jhoḍga, Lohoner, Vákhári, Sándas, Jayteypur, Pissol, Tilvaḍ, Koráli, Otur, Pála, Hátgad, Kanási, Pimpla, Pimpalner, Dhaiva, Vársa, Bhámen, Navápur, *Nandurbár, Sultánpur and Kukarmunda*[a].

The three (3) qasbas of Pánkera, Umarpatta and Chaupála.

The principality of Akráni.

The pargana of Chopḍa which belongs to Sindia, but is governed by the British.

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[a] See footnote on p. 32, *supra*.

The two (2) parganas of Thálner and Amba.

The qasba of Sindva.

The pargana of Yával which belongs to Sindia, but is governed by the British.

The two (2) parganas of Aḍávad and Sávda.

The village of Chángdev.

The pargana of Ráver, including the taraf of Pál.

The four (4) parganas of Nasirabad, Jámner, Bodvad and Bornár.

BOMBAY REGULATION VII OF 1830.[a]

Passed on 17th March, 1830.

A Regulation for bringing under the operation of the Regulations the territories comprised in the Southern Marátha Country, belonging to the Honourable Company, and forming the said territories into a zila.

Preamble. WHEREAS the administration of the territories of the Southern Marátha Country, acquired by conquest by the Honourable Company from the Peshwa, and by treaty and agreement from other States, has been hitherto conducted under the orders of the Honourable the Governor in Council, the Regulations being in force in the said territories as instructions to be acted upon, as far as circumstances, under the recent acquisition, might dictate, and as preparatory to the formal introduction of the Regulations, as established laws;

and whereas the said country and territories having now, by order of the Honourable the Court of Directors, been finally annexed to the Presidency of Bombay, the Honourable the Governor in Council has judged it expedient to form the said territories into a zila, to be denominated the zila of Dhárwár, and to introduce and establish therein the regulations now in force under the Presidency of Bombay, in the same manner, and upon the same principles, as in the territories of the Dekkhan and Khándesh, under the provisions of Regulations XXIX [b] and XXX [c] of 1827;

the following rules have therefore been enacted[d]:

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[a] As to the application of the Code of Civil Procedure in cases of the nature defined in Bom. Reg. VII of 1830, and in appeals to the Civil Courts, see Act XIV of 1882, s. 7. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b] Printed *supra*, p. 29.

[c] Bom. Reg. XXX of 1827 was repealed by Act XVII of 1862.

[d] Portion repealed by Act XII of 1876 is omitted.

Territories formed into zila.

1. The territories of the Southern Marátha Country, as described in Appendix A to this Regulation, are hereby formed into a zila, to be denominated the zila of Dhárwár.

Brought under operation of Regulations.

[a] 2. [b] The said zila is brought under the operation of the general Regulations now in force under the Bombay Presidency, with the exceptions and according to the rules provided in Regulations XXIX[c] of 1827 and XXX[d] of 1827, for the territories of the Dekkhan and Khándesh, as the same may not have been modified by any subsequent enactment, and with the exceptions of the following sections.

Exceptions.

3, 4. [*Combination of certain offices in one person.*] *Repealed by Act XII of 1873.*

Creation of Political Agent to try suits against persons of rank, under modification of s. 3, Bom. Reg. XXIX, 1827.

[e]5. There shall be a Political Agent in the Southern Maátha Country, on the part of Government, for the trial of suits against persons of rank; and, in modification of the rules contained in section 3 and the following sections of Regulation XXIX, 1827[e], it is enacted that suits against such persons[f], of whom a list shall be furnished by Government to the Agent, shall be tried by him in the same manner and under the same rules as are enacted for the Agent of Sardárs' claims for the Dekkhan.

APPENDIX A [g].

Territorial description of the zila of the Karnátak or Southern Marátha Country, under the Presidency of Bombay, formed by conquests from the Peshwa (Proclamation of occupation, 11th February, 1818), cession by the Rájá of Kolhápur (Definitive treaty, 15th March, 1829), reversion of jágírs on failure of direct heirs, resumption of a part of the Sángli jágír in lieu of service, and the transfer of two tálukas from the Puna zila (Order of Government dated 19th November, 1829).

The thirty-two (32) parganas, Dhárwár, Navalgund, Gadag, Bankápur, Shiggaon, Hángal, Adur, Mishríkot, Old Hubli, New Hubli, Eyarni, Guttul, Kagenellee, Kod, Hirekerúr, Chikkerúr, Kuppelrúr, Tilvalli,

[a] So much of s. 2 as makes s. 6 of Bom. Reg. XXIX of 1827 applicable to the territories comprised in the Southern Marátha Country is repealed by Act X of 1876.

[b] Portion repealed by Act XII of 1876 is omitted.

[c] Printed *supra*, p. 29.

[d] Bom. Reg. XXX of 1827 was repealed by Act XVII of 1862.

[e] As to the application of s. 5 in certain other territory, see Bom. Act III of 1863, s. 4, and Bom. Act XIV of 1866, s. 3, in Vol. II of this Code.

[f] As to land-suits in which such persons are concerned as defendants, see Bom. Reg. XVI of 1831, *infra*, p. 50.

[g] So much of Bom. Reg. VII of 1830 as related to the villages of Jálihál, Tingni Bidri, Honganhalli, Karjol, Upaldinni, Allásandeh and *Boblad* (?) was repealed by Act VI of 1842.

Khánápur, Murgod, Bágalkot, Rolli, Bilgi, Bádámi, Kerúr, Mudkavi, Hungund, Nandvargi, Indi, Támba, Hippargi and Jalvadkokatnúr.

Pargana Kardga (with the exception of the villages of Savalgaon, Bálihalli, Jogeshvar, Kondúr, Voginkeri, Indúr, Arshenágeri and Hungund, included in the Sonda Province, under the Madras Presidency; Yáribudihál, belonging to Chintáman Ráo Sáheb Sánglíkar; Yellápur, belonging to Mádhav Ráo Sáheb Mirajkar; and Savanúr, Holanhulli, Chillur, Tobada-Hulikatti Gabbúr, Mankatti, Jekinkatti, Torúr, Siddápur, Yekkíkhop, Kobbanur, Vaddinakop, Naikerúr, Tendúr Manúr, Niralkatti, Dommar-Mattúr, Mulkerri, Mádápur, Basavankop, Chandápur, Kallivál, Nandihalli, Honníkop and Surapakatti, belonging to the Nawáb of Savanúr).

Pargana Nirsangi (with the exception of the villages of Váralgi, and Vonikerri, included in the Sonda Province, under the Madras Presidency).

Pargana Taras (with the exception of the villages of Bálinhalli and Kalkeri, included in the Sonda Province, under the Madras Presidency).

Pargana Páchhápur (with the exception of the villages of Bassápur, Haggedáhál, Arlekatti, Serúr, Sháhbandar, Islámpur and Ghutguddi, belonging to the Rájá of Kolhápur; Tummarguddi and Harankolla, belonging to Chintáman Ráo Sáheb Sánglíkar; and Budihál and Malbemardí, belonging to Raghunáth Ráo Sáheb Kurundvádkar).

Pargana Ráne Bennur (with the exception of the village of Man-Milár included in the Bellári District, under the Madras Presidency).

Pargana Rattehalli (with the exception of the village of Ukadgatri, belonging to the Rájá of Mysore).

Pargana Mausúr (with the exception of the villages of Khaváspur and Guladhalli, belonging to the Rájá of Mysore).

Pargana Almella (with the exception of the villages of Haukoánhalli and Murganúr, belonging to the Surpur Rájá, Nizám's territories).

Pargana Bardol (with the exception of the village of Umraz, belonging to Govind Ráo Saheb Patvárdhan).

Pargana Tálikotta (with the exception of the villages of Bhattnúr, Taggartaggi, Állápur, Nagavi-Állápur, Náráyanpur, Holikeri and Vadgerri, belonging to the Surpur Rájá, Nizám's territories).

Pargana Nálátvád (with the exception of the villages of Madlingad-halli, Kol-guda and Bassépur, belonging to the Surpur Rájá, Nizám's territories).

The six (6) tarafs Kárkop, Máradági, Ugargol, Morab, Medlari and Vatnál.

The twenty-two (22) Karyáts, Áminbhávi, Nárendar, Devar-Hubli, Tadkod, Ekkundi, Betigera, Ambadgatti, Sampgaon, Bágevadi, Kádarvalli, Golehalli, Naudgaḍ, Halsangi, Kakkeri, Kárlagi, Lokoli, Manoli, Mazti, Yelli-Manoli, Sadalgi, Sindogi and Sattigerri.

Karyát Nesargi (with the exception of the village of Madanbhávi belonging to Siddoji Ráo Náik Nimbálkar, Sar-Lashkar, alias Nipánikar).

Karyát Belvádi (with the exception of the village of Doddvá, belonging to Chintáman Ráo Sáheb Sánglikar).

Karyát Kabbúr (with the exception of the village of Belákod, belonging to Siddoji Ráo Náik Nimbálkar, Sar-Lashkar, alias Nipánikar).

The five (5) Sammats Tegúr, Kalkeri, Kalghatgi, Bommikatti and Tumba.

The twelve (12) villages under the Fort of Kalánidhigaḍ.

Fort of Hire Gandharvagaḍ and its dependencies.

Fort of Gajendragaḍ and its dependencies.

The five (5) following villages of the pargana Nargund, namely :—

1 Tadáhál,
2 Karkikatti,
3 Auchmatti,
4 Gulugundi,
5 Revadekop.

The thirteen (13) following villages of the pargana Govinkop, namely :—

1 Benkankop,
2 Arshingod,
3 Manchinálli,
4 Hadgali,
5 Kuralgeri,
6 Khánápur,
7 Madgunki,
8 Gobbargumpi,
9 Bettad Kusogal,
10 Harlápur,
11 Govankopp,
12 Mallápur,
13 Jávur.

The four (4) following villages of the pargana Ajamnagar, namely :—

1 Qasba Belgaum,
2 Hindalghi,
3 Sindoli,
4 Mannur.

The eight (8) following villages of the pargana Sháhápur, namely :—

1 Kudchi,
2 Kanábergi,
3 Chandanhosur,
4 Dhámni,
5 Muchandi,
6 Yulbail,
7 Modga,
8 Chandgaḍ.

The village Chikkvadávalli of the pargana Shirhatti.

The seven (7) following villages of the pargana Lakshmeshvar, namely :—

1 Sankilpur,
2 Badni,
3 Vithalpur,
4 Hamigi,
5 Gummágol,
6 Mallikárjunpur,
7 Chákinkeri.

The village of Budihál of the pargana Kundgol.

The village of Algundi of the pargana Máchaknúr.

The seven (7) following villages of the pargana Ukli, namely :—

1 Qasba Ukli,
2 Mangoli,
3 Kumatgi,
4 Bissalhál,
5 Nandihál,
6 Yembatnahál,
7 Hattarkihál.

The four (4) following villages of the pargana Horti, namely :—

1 Rájanhál,
2 Minchanhál,
3 Tilihál,
4 Kyátankerri.

The six (6) following villages of the pargana Honváḍ, namely :—

1 *Jálihál*,[a]
2 Rámtírth,
3 Yetinhál,
4 Árálhalli,
5 Kalkavteghi,
6 Ghonasghi.

The three (3) following villages of the pargana Bágeváḍi, namely :—

1 Qasba Bageváḍi,
2 Masbinahál,
3 Yernál.

The nine (9) following villages of the pargana Alni, namely :—

1 Aralhatti,
2 Abihál,
3 Tangarri,
4 Mangsuli,
5 Balgheri,
6 Sambárga,
7 Bomanhál,
8 Madbhávi,
9 Páitanhalli.

The village of Bhaltgunki, of the pargana Halsangi.

The village of Avarkoḍ, of the pargana Garrikokatnúr.

The village of Parsalghi, of the pargana Bidari.

The two (2) following villages of the pargana Ghot, namely :—

1 Surpa,
2 *Tingni Bidri*.[a]

The two (2) following villages of the pargana Mulváḍ, namely :—

1 *Honganhalli*,[a]
2 *Karjol*.[a]

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[a] See footnote [a] on p. 38, *supra*.

The seven (7) following villages of the pargana Chimalghi, namely:—

1 Bisalkop,	5 Ghani,
2 Majrekop,	6 Siklevádi,
3 Mukartihál,	7 Máradghi.
4 Golsinghi,	

The village of Bhágánagar, of the pargana Sidhánáth.

The three (3) following villages of the pargana Muhammadápur, namely.—

1 Jaynápur,	3 *Upaldinni.*[a]
2 Budeni,	

The two (2) following villages of the pargana Terdál, namely:—

1 Sapta Ságar,	2 Khemlápur.

The three (3) following villages of the pargana Mangalvedha, namely:—

1 Kavtholi,	3 Amba.
2 Donaj,	

The village Konnur, in the pargana Jamkhandi.

The four (4) following villages of the pargana Vithal Vishrám, namely:—

1 Rájgoti,	3 Supa,
2 Kundanur,	4 Turkevádi.

The six (6) following villages of the pargana Mulgund, namely:—

1 Bandvád,	4 Bassápur,
2 Kanávi,	5 Sittaulhari,
3 Hossur,	6 Seruj.

The four (4) following villages of the taraf Konnur, namely:—

1 Horekop,	3 Hágnúr,
2 Hampiholi,	4 Belleri.

The four (4) following villages of the taraf Sánkli, namely:—

1 Kelila,	3 Hollada,
2 Mendila,	4 Tánáli.

The three (3) following villages of the taraf Maneri, namely:—

1 Mirvala,	2 Morula,	3 Vádi.

The two (2) following villages of the taraf Harlápur, namely:—

1 Narsápur,	2 Vobalápur.

The village Rokadkatti of the taraf Bannúr.

[a] See footnote [s] on p. 38, *supra*.

(*Appendix A.*)

The three (3) following villages of the Karyát Asundi, namely :—

1 Asundi,
2 Karekatti,
3 Kurvankop.

The fourteen (14) following villages of the Karyát Huli, namely :—

1 Qasba Huli,
2 Kapli,
3 Manikatti,
4 Belvanki,
5 Kaujgeri,
6 Rottigáváḍ,
7 Adnur,
8 Dáderikop,
9 Bingadákatti,
10 Konkankujhatti,
11 Tuppadákurhatti,
12 Yámgal,
13 Hulikatti,
14 Sortur.

The three (3) following villages of the Karyát Ingalhalli, namely :—

1 Nalvadi,
2 Mulláhalli,
3 Sirguppi.

The two (2) following villages of the Karyát Hebli, namely :—

1 Qasba Hebli,
2 Sevalli.

The three (3) following villages of the Karyát Adgal, namely :—

1 Nippanhál,
2 Alaknúr,
3 Biranhál.

The twenty (20) following villages of the Karyát Sholápur, namely :—

1 Qasba Sholápur,
2 Náganúr,
3 Gudikuppi,
4 Hargápur,
5 Karajgi,
6 Shendur Orásing Buzurg,
7 Shenkinhosúr,
8 Honnoḷḷi,
9 Konankeri Pimpalgaon,
10 Kanagalḷa,
11 Hitni,
12 Básingkhurd,
13 Hadalga,
14 Bahirápur,
15 Sankeshvar,
16 Tavdi,
17 Buktialúr,
18 Ankla,
19 Bákunhál,
20 Baur.

The nine (9) following villages of the Karyát Sávgaon, namely :—

1 Benodi,
2 Haddanál,
3 Mattiváḍ,
4 Rongnoli,
5 Sulgaon,
6 Bhátnagnúr,
7 Audi,
8 Savdalga,
9 Hanchinhál.

The eighteen (18) following villages of the Karyát Laut, namely :—

1 Chinchni,	10 Budihál,
2 Jettrát,	11 Kodáni.
3 Náhinglej,	12 Kurli,
4 Hunargi,	13 Akkol,
5 Siddandál,	14 Muhammadápur,
6 Yernál,	15 Buddalmukh,
7 Padlehál,	16 Rumtoli,
8 Lakhnápur,	17 Pángra,
9 Gawhán,	18 Girgaon.

The seven (7) following villages of the Karyát Naiz, namely :—

1 Mauza Chikoḍi,	5 Ammangi,
2 Peth Chikoḍi,	6 Naiz,
3 Galatga,	7 Kunnúr.
4 Kotheli,	

The thirteen (13) following villages of the Karyát Nesri, namely :—

1 Peth Daddi,	8 Khavnevádi,
2 Auladhál,	9 Shettihalli,
3 Attehál,	10 Bilki,
4 Rámevádi,	11 Salámvádi,
5 Bedarvádi,	12 Kot,
6 Modga,	13 Dhondgatti.
7 Nágánúr,	

The village Bágani of the Karyát Dudgaon.

The three (3) following villages of the taraf Haveli Bijápur, namely:—

1 Ukmanhál, | 2 Kaulga, | 3 Ahleabad.

The twenty-six (26) following villages of the Tappa Chandgaḍ, namely :—

1 Qasba Chandgaḍ,	14 Hambera,
2 Kodoli,	15 Khámdal,
3 Bágalga Dukkarvádi,	16 Paurla,
4 Sipúr,	17 Kokara,
5 Sávarda,	18 Isápur,
6 Gulvada,	19 Konevádi,
7 Vágothar,	20 Umgaon,
8 Mángaon,	21 Návga,
9 Kolindra,	22 Philni,
10 Adúr,	23 Jámbera,
11 Naundanida,	24 Nahareli,
12 Asgaon,	25 Bhogoli,
13 Sula,	26 Kolindra.

The four (4) following villages of the Pránt Ráybág, namely :—

1 Akkevát,	3 Ingli,
2 Naugaz,	4 Ankáli,

The twenty-eight (28) following villages of the Pránt Miraj, namely :—

1 Hattánúr . . .	Karyát Tásgaon.
2 Kudchi . . .	Do. Maisal.
3 Chandúr . . .	
4 Qasba Isápur . . .	Do. Isápur.
5 Chikkalgothan . .	
6 Naubalka . . .	
7 Bedaga . . .	Do. Bedaga.
8 Gundeváḍi . . .	
9 Gaurváḍ . . .	Do. Shirhatti.
10 Aurváḍ . . .	
11 Tákli	
12 Brahmanál . . .	Do. Sángli.
13 Padamál . . .	
14 Tung . . .	Do. Degraz.
15 Hingangaon . . .	Do. Kavta Máhankál.
16 Dhámni . . .	Do. Haveli.
17 Vásamba . . .	Do. Kavta.
18 Zarandi . . .	Do. Anjani.
19 Kaulaga . . .	Do. Sávarda.
20 Karoli . . .	Do. Desing.
21 Shipur . . .	Do. Ainápur.
22 Bekiri . . .	Do. Jugal.
23 Rájápur . . .	
24 Nandikurli . . .	
25 Kerúr . . .	
26 Yedúr . . .	
27 Kalhola . . .	
28 Sháhápur . . .	

The two (2) following villages of the Pránt Kágal, namely :—

1 Mauzari,	2 *Állásandéh.* [*]

[*] See footnote [*] on p. 38, *supra.*

The thirty-eight (38) following villages, not belonging to any particular pargana or other territorial division, namely: —

1 Saundatti,	20 Alagankop,
2 Kotevádá.	21 Bogúr,
3 Hálkusugál,	22 Daustikop,
4 Kalkeri,	23 Hutikottal,
5 Malligvád,	24 Badas,
6 Mugutkhán Hubli,	25 Kukkadolli,
7 Amrápur,	26 Jiknúr,
8 Viráp ur,	27 Devar Sigehalli,
9 Handúr,	28 Ettagi,
10 Talvárkop,	29 Gandhigvád,
11 Márgankop.	30 Toligi,
12 Kasmalgi,	31 Qasba Hukeri,
13 Ambegápur,	32 Peth Hukeri,
14 Bilámarri,	33 Chuláki,
15 Hulginhál,	34 Goravbál,
16 Keárkop,	35 Kaggadhál,
17 Gazpatti,	36 Gorvankolla,
18 Gádikop,	37 Bassedon,
19 Hattiholi Khurd,	38 Sindgi.

BOMBAY REGULATION XIII OF 1830[a].

Passed on 31st March, 1830.

A Regulation for vesting certain jágírdárs, saranjámidárs and inámdárs with the power of deciding suits within the boundaries of their respective estates.

Preamble. WHEREAS, in accordance with former custom, and in many instances

[a] Bom. Reg XIII of 1830 was declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts.

The Regulation has been declared applicable to Agents of foreign Sovereigns and to certain other persons—see Act XV of 1840, *infra*, p. 59.

Every jágírdár and other authority invested with powers under Bom. Reg. XIII of 1830 and Act XV of 1840 shall, for the purposes of the Dekkhan Agriculturists' Relief Act, 1879, be deemed to be a Subordinate Judge of such class as the Local Government may from time to time direct —see Act XVII of 1879, s. 2A, *infra*, p. 174.

As to the application of the Code of Civil Procedure in cases in which jurisdiction is exercised by authorities invested with powers under Bom. Reg. XIII of 1830 or Act XV of 1840, and in appeals to the Civil Courts, see Act XIV of 1882, s. 7. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

agreeably to original tenure, jágírdárs, saranjámidárs and inámdárs have been permitted to exercise civil jurisdiction within their possessions;

and whereas it has been considered expedient to continue, by specific enactments, to such persons the power of filing, trying and deciding original suits,

the following rules have been enacted[a]:

Power to grant sanads to jágírdárs and others, authorising them to try suits.

1. *First.*—It shall be competent for the Governor in Council to grant sanads to persons of the description stated in the above preamble, whose names and possessions are enumerated in a list furnished by Government, conferring on them authority to try and determine all original suits of whatever amount that may be either filed in their Courts, or may be referred to them by the Agent or Judge.

Sanads to define jurisdiction.

Second.—The sanads shall define the territory or jágír over which the jágírdárs' jurisdiction extends, and be drawn out according to the form marked A in the Appendix.

Sanads granted only for life.

Third.—Such sanads shall only be granted for life; and without such sanad no jágírdár, saranjámidár or inámdár shall be considered as having the authority to hear and decide civil actions, unless on arbitration or by consent of the parties.

Government may withhold or withdraw them.

Fourth.—In granting sanads the Government reserves to itself the right of withholding, and, if issued, of afterwards withdrawing, them, if from any cause such course should be deemed necessary in particular cases.

Persons within jágírdár's jurisdiction to bring disputes before him.

2. *First.*—All persons residing within the jurisdiction of a jágírdár must bring their civil disputes for adjudication before him, unless where the parties mutually agree to the contrary; or where one or the other is an European or American, or where, one being the relation or dependent of the jágírdár, the other objects on that ground.

Suits to be sent to Agent or Judge.

Second.—Suits thus excepted shall be sent up to the Agent or Judge, who will dispose of them, either by trying them or by referring them for trial[a].

Decree to be passed by jágírdár.

Third.—The jágírdár shall pass a written decree recording the proceedings held, and his judgment on every action or suit tried before him.

Decisions jágírdárs final.

3. *First.*—Decisions passed by the jágírdárs enumerated in the list furnished by Government shall, in conformity with their right and authority by tenure, be final.

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[a] Words repealed by Act XII of 1873 are omitted.

Appeal from decisions of other jágírdárs.

Second.—The decisions of all other jágírdárs shall be open to appeal according to the rules regarding appeal if in the first and second class of sardárs of the list provided for by clause second, section 3, Regulation XXIX of 1827[a], to the Agent for the adjustment of sardárs' claims; if of the third class of the said list, to the Judge.

Appeal from decisions in appeal.

Third.—Decisions by these authorities in these appeals shall be open to[b]appeal to[b] the Sadr Díwání Adálat, when, if the original judgment is confirmed, the amount adjudged or at issue is rupees (1,000) one thousand; if modified or reversed, the amount at issue is rupees (200) two hundred.

Decrees not liable to be set aside for want of form.

Fourth.—Decrees by a jágírdár shall not be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

Execution of decrees.

4. Jágírdárs shall have authority to execute their own decrees, and application for execution of decrees refused by the jágírdár may be received by the Agent or Judge[c].

Special appeals.

5. A special appeal is open in all cases to the Sadr Díwání Adálat[d].

APPENDIX A.

(*See section 1, clause second.*)

Form of Sanad to be granted to a Jágírdár, Saranjámidár or Inámdár, for deciding Suits.

Seal.

The Honourable the Governor in Council, by virtue of the powers vested in him by Regulation XIII of 1830, is pleased hereby to confer on you jágírdár (*or* as the case may be) power to receive, try and decide all such original suits as may be preferred to you for moveable or immoveable property, of whatever amount, or referred to you by the Agent or Judge, whereof both parties, or the defendant or defendants, in such suits shall be resident within the boundary of your jágír, etc., as hereafter defined; provided such parties shall not mutually agree to the contrary; or one or other of them shall not be an European or American;

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[a] Printed *supra*, p. 29.
[b-b] These words were inserted by Act IV of 1894, printed *infra*, p. 267.
[c] Words repealed by Act XII of 1876 are omitted.
[d] Portion repealed by Act XII of 1873 is omitted.

or, being your own relation or dependent, the adverse party shall not object on that account.

The boundaries of your jágír, over which your jurisdiction, as above set forth, extends, are hereby defined to be

The within-delegated power is vested in you during the pleasure and subject to the recall of the Honourable the Governor in Council.

BOMBAY REGULATION I OF 1831[a].

Passed on 5th January, 1831.

A Regulation for extending the jurisdiction of the Agent of Government, acting under the provisions of section 4, Regulation XXIX of 1827[b], over suits in which persons of rank of the privileged classes are concerned, and which are now cognizable by the Collectors of land-revenue.

Preamble.

WHEREAS it has been deemed expedient to extend the jurisdiction of the Agent of Government acting under the provisions of section 4, Regulation XXIX of 1827[b], to suits connected with land, its rent and produce, wherein persons of rank of the privileged classes established by that Regulation are concerned; the following rules have accordingly been enacted [c] :

Suits connected with land, rent and produce, which are cognizable by Agent.

1. *First.*[c]Suits connected with land, its rent and produce, wherein persons of rank of the privileged classes established by Regulation XXIX of 1827[b] are concerned[d], [c] shall hereafter be cognizable only[e] by the Agent of Government acting under the powers vested in him by section 4, Regulation XXIX of 1827[b], and under the same rules as are prescribed for his guidance in other cases.

Second. [*Pending suits.*] *Repealed by Act XII of 1873.*

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[a] As to the application of Bom. Reg. I of 1831 in certain territory, see Bom. Act III of 1863, s. 4, and Bom. Act XIV of 1866, s. 3, in Vol. II of this Code.

As to the application of the Code of Civil Procedure in cases of the nature defined in Bom. Reg. I of 1831, and in appeals to the Civil Courts, see Act XIV of 1882, s. 7. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b] Printed *supra*, p 29.

[c] Portion repealed by Act XII of 1873 is omitted.

[d] As defendants—see Bom. Reg. XVI of 1831, s. 2, *infra*, p. 50.

[e] Also by the Political Agent in the Southern Maráṭha Country—see Bom. Reg. XVI of 1831, s. 1, *infra*, p. 50. Also by the Collector and his Assistants—see Act XIII of 1842, s. 6, which however is repealed by Bom. Act V of 1879 wherever the latter Act is in force.

BOMBAY REGULATION XVI OF 1831[a].

Passed on 14th September, 1831.

A Regulation for extending the jurisdiction vested in the Political Agent in the Southern Marátha Country, under the provisions of section 5, Regulation VII, A.D. 1830[b], to the cognizance of civil suits of the nature specified in Regulation I, A.D. 1831[c], and also for the better defining the extent of jurisdiction therein conferred with respect to persons of the privileged classes.

Preamble.

WHEREAS it has been deemed expedient to extend to the Political Agent in the Southern Marátha Country, as Agent of Government, the cognizance of suits of the nature specified in Regulation I, A.D. 1831[c], and to define more expressly the extent to which such suits shall be cognizable before the Agent of Government; the following rules have therefore been enacted[d]:

Suits cognizable before Political Agent of Southern Marátha Country.

1. [d] Suits of the nature specified in clause first, section 1, Regulation I, A.D. 1831[c], shall also be cognizable before the Political Agent in the Southern Marátha Country, as Agent of Government, and shall be tried by him in the same manner, and under the same rules, as are prescribed for his guidance in section 5, Regulation VII, A. D. 1830[b].

Bom. Reg. I, 1831, section 1, clause 1, explained.

2. And it is further explained, with reference to clause first, section 1, Regulation I, A. D. 1831[c], that such suits shall be cognizable before the Agents of Government only when the persons of the rank of the privileged classes shall in the original suit stand in the relation of defendants.

BOMBAY REGULATION I OF 1834.

Passed on 15th January, 1834.

A Regulation for abolishing the office of Deputy Agent for Sardárs in the Dekkhan [e].

Preamble.

WHEREAS, it having been determined by Government to abolish the office

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[a] As to the application of Bom. Reg. XVI of 1831 in certain territory, see Bom. Act III of 1863, s. 4, and Bom. Act XIV of 1866, s. 3, in Vol. II of this Code.

As to the application of the Code of Civil Procedure in cases of the nature defined in Bom. Reg. XVI of 1831, and in appeals to the Civil Courts, see Act XIV of 1882, s. 7. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b] Printed *supra*, p. 88.

[c] Printed *supra*, p. 49.

[d] Words repealed by Act XII of 1873 are omitted.

[e] Words repealed by Act IV of 1894 (printed *infra*, p. 267) are omitted.

of Deputy Agent for the adjustment of claims against Sardárs in the Dekkhan, the following rules have been enacted[a].

1. [*Repeal of Bom. Reg. V of 1828.*] *Repealed by Act XII of 1873.*

2. *First.*—Suits of the description heretofore tried by the Deputy Agent shall be heard and decided by the Agent.[b] Suits transferred from Deputy Agent.

Second.—[*Pending proceedings.*] *Repealed by Act XII of 1873.*

[a] Words repealed by Act IV of 1894 (printed *infra*, p. 267,) are omitted.
[b] As to the Agent, see Bom. Reg. XXIX of 1827, s. 4, clause *first*, *supra*, p. 30.

PART II:

LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BOMBAY.

ACT No. XIX OF 1835[a].

Passed on 9th November, 1835.

Appointment and powers of Assistant to Agent for Sardárs in Dekkhan.

BE it enacted, that it shall be competent for the Governor in Council of Bombay to appoint the Assistant Judge of the Zila Court of Puna to be Assistant to the Agent [b] for Sardárs in the Dekkhan;

and it shall be competent to the Agent for Sardárs to refer to his Assistant original suits against Sardárs for amounts not exceeding five thousand rupees[c];

and every decree of the Assistant shall be open to an appeal to the Agent within (30) thirty days from the date of the decree; and every decision of the Agent on such appeal shall be open to a special appeal [c] to the Governor in Council, or to the Sadr Adálat, according as the rank of the Sardár may subject him to the jurisdiction of either authority: Provided that such last-mentioned appeal shall be brought within (90) ninety days after the date of the decree of the Agent.

Procedure in appeals to Governor of Bombay in Council.

XIV of 1882. [d] 2. The provisions of the Code of Civil Procedure[e] relating to appeals to a High Court from decrees passed in appeal shall apply, so far as may be, to appeals to the Governor in Council under this Act.

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[a] As to the application of the Code of Civil Procedure in cases of the nature defined in Act XIX of 1835, and in appeals to the Civil Courts, see Act XIV of 1882, s. 7. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b] As to the Agent, see Bom. Reg. XXIX of 1827, s. 4, clause *first*, *supra*, p. 30.

[c] Portion repealed by Act XII of 1891 is omitted.

[d] S. 2 was added by Act XII of 1891.

[e] For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.

ACT No. XVI OF 1838[a].

Passed on 23rd July, 1838.

Suit to be brought in Civil and not Revenue Courts.

1. *First.*—[b]In the territories subject to the Presidency of Bombay, all suits in regard to tenures, and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all suits in which the right to possession of land[c] is claimed, shall be brought in the Courts of Adálat and the Courts subordinate thereto, and not in the Courts of revenue.

Second.—[*Summary jurisdiction of Revenue Courts in giving possession.*] *Repealed by Bombay Act III of 1876.*

Third.—[*Saving of certain jurisdiction of Revenue Courts.*] *Repealed by Bombay Act II of 1866.*

Procedure on suits being presented to superior Court doubting its jurisdiction;

2. [d]If a suit be presented in the Court of a Judge or Collector, which such Judge or Collector shall not deem within his jurisdiction, the party presenting such suit shall be referred by the Court in which it may be first presented to that in which, in the opinion of such Court, the jurisdiction lies, and the latter Court shall, in the event of its doubting its jurisdiction in the case, refer the question of jurisdiction to the Sadr Díwání Adálat, whose decision on the point shall be final.

and in subordinate Court so doubting.

3. [d]If a suit be presented in any Court subordinate to the Court of a Judge or Collector, which suit such subordinate Court shall not deem to be within its jurisdiction, such subordinate Court shall submit the case to the Judge's or Collector's Court to which such subordinate Court is subordinate; and, if the superior Court to which the case is so submitted shall be of opinion that such subordinate Court has jurisdiction in the case, such superior Court shall direct such subordinate Court to proceed with the case; and, if such superior Court shall be of opinion that such subordinate Court has not jurisdiction in the case, such superior Court shall proceed in the manner directed in the last preceding section.

Transfer of suit entered in Court not having jurisdiction.

4. [d]Whenever a Court of Adálat or a Revenue Court shall have entered on its file, under this Act, a suit in which it has not jurisdiction, it shall be competent to the Sadr Díwání Adálat, either on a reference from the Judge or Collector (as the case may be), or on application from the parties, to direct that the suit be transferred, with all the proceedings which may have taken

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[a] Act XVI of 1838 was declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts.

[b] Portion repealed by Act XIV of 1870 is omitted.

[c] Words repealed by Act X of 1876 are omitted.

[d] Words repealed by Act XVI of 1874 are omitted.

place therein up to the period of transfer, to the Court possessing jurisdiction, which shall proceed therewith as if the suit had been originally filed in that Court.

Procedure on Court of Appeal finding original suit was decided in wrong Court.

5. [a] When any Court trying an appeal finds that the action was originally brought and decided in a Revenue Court, when it ought to have been brought and decided in a Court of Adálat, or a Court subordinate thereto, or that the action was originally brought and decided in a Court of Adálat, or a Court subordinate thereto, when it ought to have been brought and decided in a Revenue Court, the Court trying the appeal shall, instead of quashing the whole proceedings, annul only the decree and refer the suit to be tried in the Court to which the jurisdiction properly belongs[b]; and the Court trying any such case referred under the foregoing section shall take further pleadings, exhibits and evidence only if it deem such necessary, and shall pass a new decree[b].

6. [*Pending suits and appeals.*] *Repealed by Act XVI of 1874.*

ACT No. XIX OF 1838[c].

Passed on 27th August, 1838.

1. [*Repeal of enactments.*] *Repealed by Act XIV of 1870.*

Rules as to coasting and other vessels belonging to Queen's subjects.

2. [d] The following rules shall be in force with respect to vessels belonging to any of Her Majesty's subjects residing within the Presidency of Bombay, and employed on the coasts of the territories subject to the Government of Bombay, or in trading coastwise, as also with respect to fishing-vessels and harbour-craft belonging to any of the same Her Majesty's subjects.

Marking or branding vessels with name of place and number.

3. [d] Every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same by the officer authorized to make such registry as is hereinafter mentioned;

Owner to paint name and number.

and the owner or owners of such vessel employed as aforesaid, fishing-vessel and harbour-craft shall cause such name and number to be painted in black paint upon a white ground on each quarter of such vessel employed as

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[a] Words repealed by Act XVI of 1874 are omitted.
[b] Words repealed by Act XVI of 1870 are omitted.
[c] Act XIX of 1838 was declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. It has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the province of Sindh—see Appendix, p. xii.
[d] Portion repealed by Act XVI of 1874 is omitted.

aforesaid, fishing-vessel and harbour-craft, in English figures and letters, each figure and letter being six inches in length.

Registry of name, number and burthen.

4. [a] The name and number of every such vessel employed as aforesaid, fishing-vessel and harbour-craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book to be kept for that purpose by the person hereinafter directed to make such registry.

Registry by whom to be made.

At Bombay such registry shall be made by the Master-Attendant, and at other places within the said territories by the Collector of Sea-customs at such places respectively, or by such other person as shall be appointed by the Government of Bombay to act at such places respectively, in the execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing-vessel or harbour-craft, or in the name or names of the owner or owners thereof, such registry shall be made again:

Fresh registration.

Provided, however, that it shall not be lawful to give any name to such vessel employed as aforesaid, fishing-vessel or harbour-craft, other than that by which she was first registered.

Owners to apply for registry.

5. [a] The owner or owners of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall apply to the person authorised to make such registry in respect of the same, in order to have such registry as aforesaid made, or in order to have such registry made again as aforesaid.

Information of registry at subordinate port.

And whenever such vessel employed as aforesaid, fishing-vessel or harbour-craft is registered at a subordinate port, information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to the Master-Attendant at Bombay.

Officers to perform duty of marking and branding.

[a] The duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels and harbour-craft, at Bombay, shall be performed by the Master-Attendant; and at all other places within the territories subject to the Government of Bombay, the duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels and harbour-craft shall be performed by the Collector of Sea-customs at such places respectively, or by such other persons as shall be appointed by the Government of Bombay to act at such places respectively, in the execution of this Act.

Owner to obtain certificate of registry.

7. [a] The owner or owners of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall apply for and obtain a certificate of registry from the person authorised to make such registry as aforesaid, and such

[a] Words repealed by Act XVI of 1874 are omitted.

certificate shall be in the form specified in the schedule appended to this Act; and, in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner and on payment of the fees hereinafter mentioned. Replacing lost certificate.

8. [a] Such certificate of registry shall be sealed with the seal of the East India Company, and shall be signed by the person authorzied to make such registry. Sealing certificate.

9. [*Dates for commencement of certificate and registration.*] *Repealed by Act XII of 1876.*

10. [a] The owner or owners of such vessels employed as aforesaid (fishing-vessels and harbour-craft being excepted), on being registered as aforesaid, shall pay— Fees for certificates.

for each certificate of registry for a vessel not exceeding 20 Bombay khandís burthen, the fee of . . . . . 1 rupee.
for each certificate for a vessel exceeding 20 such khandís burthen, and not exceeding 100 khandís burthen . . . . . 5 rupees.
for each certificate for a vessel exceeding 100 such khandís burthen, and not exceeding 400 khandís burthen . . . . . 7 rupees.
and for each certificate for a vessel of 100 tons or greater burthen, per ton . . . . . 2 annas.

11. [a] The person or persons so authorised to make such registry as aforesaid shall receive the fees payable for the same, and shall pay such fees to such officer as the Governor of Bombay in Council shall appoint; the same to be carried to the credit of the Government of Bombay. Fees to be credited to Government.

12. [a] The owner or owners or commander of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall produce, on demand thereof by any officer of the Customs within the said territories, or by any officer of the [b] Navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid, fishing-vessel or harbour-craft, as above-mentioned. Production of certificate on demand.

13. [a] In case any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be so marked or branded in all respects as hereinbefore directed, or in case the name and number of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing-vessel or harbour-craft, in all respects as hereinbefore directed; Penalty for neglect to comply with rules.

or in case any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be furnished with such certificate as hereinbefore specified, or

[a] Words repealed by Act XVI of 1874 are omitted.
[b] The word repealed by Act XII of 1876 is omitted.

in case the owner or owners or commander of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not produce such certificate on demand thereof as hereinbefore directed,

the owner or owners of every such vessel employed as aforesaid shall be subject to a fine of ten times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable; and the owner or owners of any such fishing-vessel or harbour-craft shall be subject to a fine of ten rupees;

Recovery of penalties.

which fines may be recovered on conviction before any Magistrate[a] having jurisdiction within the said territories, by sale of such vessel, fishing-vessel or harbour-craft, her furniture, ammunition, tackle and apparel;

Penalty on repetition of default.

and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall make such default as aforesaid: Provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

Power to direct compensation for trouble in seizing.

14. [b] The Governor of Bombay in Council may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing-vessel or harbour-craft, guns, furniture, tackle, ammunition and apparel, as last-mentioned, to be made, out of the proceeds of such seizure, to the person or persons who shall have seized the same, to such amount, in such manner and in such shares or proportions, as to the said Governor in Council shall seem meet.

15. [*Port-clearance.*] *Repealed by Act XII of 1876.*

SCHEDULE [c].

This is to certify that (*here insert the names, occupation and residence of the owners*) having declared that (he *or* they) are sole owner or owners of the vessel (fishing-vessel *or* harbour-craft) called (*the name*), which is of the burthen of (*number of Bombay khandís*) and that the said vessel (fishing-vessel *or* harbour-craft) was (*where and when built*), the said vessel (fishing-vessel *or* harbour-craft) has been duly registered at the port of (*name of port*).

Certified under my hand.

(*Signature of Officer.*)

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[a] Words repealed by Act XII of 1876 are omitted.
[b] Words repealed by Act XVI of 1874 are omitted.
[c] See s. 7, *supra*, p 56.

ACT No. XX OF 1839[a].

Passed on 29th July, 1839.

Power to prohibit levy of haqqs, fees and customs.

1. [b] It shall be lawful for the Governor in Council of Bombay to issue orders prohibiting the levy of haqqs and fees of every description, and customs, whether by land or sea, enjoyed by holders of rent-free lands or other persons, and of alienated shares of any item of revenue after the abolition or relinquishment thereof by Government.

Past and future prohibitions not to be questioned by any Court.

2. [b] The legality of any orders which may have been heretofore issued, or of any orders which, conformably with this Act, hereafter shall be issued, by the Governor in Council of Bombay, for prohibiting the levy of any such haqqs, or fees, customs or alienated shares of any such item of revenue as aforesaid, shall not be questioned in any Court of law.

Penalty for levy after prohibition.

3. [b] Whoever shall levy any such haqq, fee, customs or item of revenue after any such order prohibiting the same as aforesaid shall have been published in the Government Gazette of the Presidency of Bombay, and by notice fixed at the post or place at which it has heretofore been claimed or collected [c] shall, whether he is or is not a Revenue-officer of Government, be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine not exceeding ten times the amount of the sum so levied. [c]

ACT No. XV OF 1840[d].

Passed on 29th June, 1840.

An Act for extending Regulations *XV of 1827*[e] *and* XIII of 1830 [f] of the Bombay Code to the Agents of foreign Sovereigns.

Extension of

IT is hereby enacted that the provisions of Regulations *XV of 1827*[e]

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[a] Act XX of 1839 was declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. It has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh—see Appendix, p xii.

[b] Words repealed by Act XVI of 1874 are omitted.

[c-c] This portion was substituted for the original words, etc, by Act IV of 1894, printed *infra*, p. 267.

[d] Act XV of 1840 was declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts.

Every jágírdár and other authority invested with powers under Bom. Reg. XIII of 1830 and Act XV of 1840 shall, for the purposes of the Dekkhan Agriculturists' Relief Act, 1879, be deemed to be a Subordinate Judge of such class as the Local Government may from time to time direct —see Act XVII of 1879, s. 2A. *infra*, p. 174.

As to the application of the Code of Civil Procedure in cases in which jurisdiction is exercised by authorities invested with powers under Act XV of 1840, and in appeals to the Civil Courts, see Act XIV of 1882, s. 7. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[e] Act XV of 1840, so far as it relates to Bom. Reg. XV of 1827, was repealed by Act XVI of 1874.

[f] Printed *supra*, p. 46.

Bom. Reg. XIII of 1830 to Agents of foreign Sovereigns and others.

and XIII of 1830 [a] of the Bombay Code be made applicable to the Agents of foreign Sovereigns having lands and possessions in the British territory of the Bombay Presidency, and to guardians and such other individuals as the Governor in Council of Bombay may consider it expedient to invest with the powers contained in the aforesaid Regulations: Provided that in all cases the authority conferred shall be revocable at the discretion of the Governor in Council of Bombay.

ACT No. XIX OF 1844[b].

Passed on 14th September, 1844.

An Act for abolishing town-duties and mukáts and all taxes upon trades and professions, within the Presidency of Bombay.

Abolition of town-duties and taxes.

IT is hereby enacted that, from the first day of October, 1844, all town-duties, kasab veras, muhtarafas, baluteh taxes and cesses of every kind on trades or professions, under whatsoever name levied within the Presidency of Bombay and not forming a part of the land-revenue, shall be abolished.

ACT No. XI OF 1852[c].

Passed on 13th February, 1852.

An Act for the Adjudication of Titles to Certain Estates claimed to be wholly or partially Rent-free in the Presidency of Bombay.

Preamble.

WHEREAS in the territories of the Dekkhan, Khándesh and Southern Marátha Country, and in other districts more recently annexed to the Bombay Presidency, claims against Government on account of ináms and other estates wholly or partially exempt from payment of land-revenue are excepted from the cognizance of the ordinary Civil Courts[d];

and whereas it is desirable that the said claims should be tried and determined without further delay;

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[a] Printed *supra*, p. 46.

[b] Act XIX of 1844 was declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. It has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh—see Appendix, p. xiv.

[c] As to the application of Act XI of 1852, see Bom. Act V of 1879, s. 127 (printed in Vol. II of this Code).

[d] Portion repealed by Act IV of 1894 (printed *infra*, p. 267,) is omitted.

It is declared and enacted as follows :

1. [*Rules not applicable to certain districts.*] *Repealed by Act IV of 1894.*

Power to appoint Inám Commissioner, with Assistants and establishment.

2. The Governor of Bombay in Council may appoint in any zila or other division of the territories subject to the Presidency of Bombay, which were not brought under the General Regulations of Government by [a] Regulation XXVIII of 1827[b], an Inám Commissioner with so many Assistants, and such subordinate establishment, as may be necessary for the purposes hereinafter mentioned.

Duties how discharged.

3. The duties of each Inám Commissioner and his Assistants shall be discharged according to the rules in Schedule A annexed to this Act.

Determination of titles of claimants to exemption.

4. In the adjudication of claims to exempt lands or interests therein, the titles of claimants shall be determined by the rules in Schedule B annexed to this Act.

Powers to enforce attendance of witnesses to take evidence, etc.

5. Each Inám Commissioner and his Assistants shall have the same authority to procure the attendance of witnesses, and to take evidence, as now is, or from time to time may be, by law vested in the ordinary Civil Courts; and so far as concerns the penalties for not giving evidence, for false testimony, for resistance of process, contempts and other like matters connected with cases under cognizance by any one of the said officers, his office shall be held to be a Court of civil jurisdiction of the same authority as the superior Civil Court of the zila or district in which his office from time to time shall be established :

Complaints against, or appeals from, proceedings of Commissioner and Assistants.

Provided that all complaints against, or appeals from, the proceedings of the Inám Commissioner or any of his Assistants, in exercise of the authority conferred on them respectively by this section, shall be made under the second rule of Schedule A annexed to this Act; and shall not be cognizable by any other authority or in any other manner than as therein specified.

Punishment of misconduct of officers on Commission.

6. Bribery, extortion, and generally all acts of abuse or misapplication of authority, or other misconduct, committed by any officer belonging to the establishment of the Inám Commission, or temporarily employed therein under the provisions of this enactment, shall be punishable as criminal offences with fine and ordinary imprisonment without labour for a period not exceeding five years, and the receipt of a present, directly or indirectly, by any such officer from any person against whom or in whose behalf he may be officially employed, shall be considered extortion.

Extortion defined.

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[a] Words repealed by Act IV of 1894 (printed *infra*, p. 267,) are omitted.
[b] Bom. Reg. XXVIII of 1827 was repealed by Act XII of 1873.

Other prosecution not barred.

And no penalty or punishment adjudicated under this clause shall preclude any other civil prosecution to which the offender may be liable.

7. [*Jurisdiction of Courts barred.*] *Repealed by Act X of 1876.*

SCHEDULE A.

Rules for defining the Duties of each Inám Commissioner and his Assistants.

Duty defined.

1. The duty of the Inám Commissioner and his Assistants shall be to investigate, in the manner prescribed by this enactment, the titles of persons holding or claiming against Government the possession or enjoyment of iná́ms or jágírs, or any interest therein, or claiming exemption from the payment of land-revenue, and generally to act according to the instructions of Government in all matters not specifically provided for in this enactment.

Appeal from orders of Assistant Commissioners and Commissioner.

2. All orders of the Assistant Commissioners shall be appealable to the Inám Commissioner, who shall also have the authority of revising and of modifying, reversing or annulling, if necessary, their orders and proceedings, and the orders and proceedings of the Inám Commissioner shall be in like manner appealable to, and subject to modification, reversal or annulment by, the Governór of Bombay in Council, whose orders shall in every case be final.

Duty to receive statements of title, and record evidence in support.

3. The Inám Commissioner or his Assistants shall receive from the persons, holding or claiming to hold lands or any interest therein exempt from the payment of revenue, statements explaining the nature of the title by which the lands or interests are so held, and shall take and record the evidence offered in support of such statements.

Statements how received.

4. These statements may be received either directly by the officers of the Inám Commission, or through the medium of the revenue-authority of the táluqa in which the land or interest so held or claimed as exempt is situated, or in which the alleged proprietor resides, without any previous procedure, except a general invitation to such landholders of a district who shall hold or claim to hold lands exempt as aforesaid to state the nature of their titles.

Notice when to issue.

5. But, when such general invitation is not sufficiently attended to, a notice may be issued to any party holding or claiming to hold any lands or any interest therein wholly or partially exempt as aforesaid, requiring him, personally or by his agent, to show his title.

Contents of notice.

The notice issued in such cases shall state the nature of the investigation which is intended, and shall call upon the alleged proprietor of the exempt

lands or interest, held or claimed to be held exempt as aforesaid, to attend either personally or by an authorized agent, at a specified place, and within a specified period (which shall never be less than two months from the date of the notice being served), to explain the nature of his title to hold such lands or interest exempt as aforesaid, and to produce all the evidence forthcoming to prove it.

The notice shall further explain that a failure to comply with its terms will render the land, or interest to which it relates, liable to attachment.

Service of notice.

6. The notice shall be served upon the party holding or claiming to hold the land or interest exempt as aforesaid, or, if his place of residence be not known, upon the person acting for him, or, in default of such, upon the person in charge of the land or interest.

Posting notice when landholder not found.

7. If such persons cannot be found, a notice shall be posted in the office of the Native revenue-officer of the district, and in the chauí, or most public place of the village where the land or interest under inquiry is situated, calling on any person who may claim as proprietor to appear, either personally or by his agent, to prove his title within six months from the date of the notice, under penalty of the attachment of the land or interest, and, on failure of the appearance of a claimant, the land or interest shall be liable to attachment.

Attachment by whom enforced.

8. The attachment provided for by rules 5 and 7 shall be enforced by the Collector or chief revenue-authority of the district in which the land to which it relates is situated, at the written requisition of the Inám Commissioner or his Assistant, which shall be a sufficient warrant to the Collector for the attachment of the land, and for the collection of the rents accruing therefrom on account of Government during its attachment.

Procedure on receipt of statements and evidence of title.

9. As soon as possible after the receipt of the statements in each district and of the evidence by which they are supported, they shall be tested by the entries in the Government accounts and State records, and by any other evidence procurable, whether in favour of Government or of the claimants, and decisions shall then be passed on them as to the continuance, resumption or full or partial assessment of the lands.

Procedure on failure of notice to procure attendance.

10. In cases where the notices provided for in sections 5 and 7 fail to procure the attendance of the persons to whom they are addressed, and no claimant appears to prosecute his claim, the Commissioner or Assistant Commissioner shall proceed to ascertain the facts of the case from such evidence as may be forthcoming or procurable, and shall pronounce such decision thereupon as to him shall seem just regarding the lands or interests to which the notices referred.

Removal of attachment.

11. An attachment enforced under rule 8 shall be removed by the Collector or chief revenue-authority by whom it was made, on receipt of a communication from the Inám Commissioner or his Assistant, certifying that he considers the attachment to be no longer necessary; but the rents collected from the land during its attachment shall in no case be restored to the alleged proprietor, except under the general or special instructions of Government.

Restoration to proprietor of rents collected.

Copies of decisions to be delivered to claimants.

12. Certified copies of decisions, made according to the provisions of rule 9, shall be delivered, as soon as possible after each decision is passed, to the persons on whose claims the decision shall have been pronounced, or their agents; and copies of all decisions made in the absence of any claimant according to the provisions of rule 10 shall be sent to the mámlatdár, or other revenue-manager of the táluq in which the lands to which they relate are situated, who shall deliver them to the parties affected by them, should they be discoverable, or otherwise cause them to be publicly posted in the village to which the lands in question belong.

Copies of decisions made in their absence how dealt with.

Execution of decisions.

13. Decisions affecting any lands or any interests therein passed under this enactment shall be carried into execution by the Collector or chief revenue-authority of the district in which the lands to which they relate are situated, at the requisition of the Inám Commissioner or his Assistant, in any manner which may, from time to time, be prescribed by the Governor of Bombay in Council.

Procedure in appeal.

14. In all cases where a person may be desirous of appealing against any decision of the Inám Commissioner or his Assistants, he shall apply by a petition, addressed to the authority by whom, according to rule 2, his appeal is cognizable, which petition shall be presented to such authority within one hundred days from the date of the decree appealed against, a copy of which must accompany the petition of appeal, and no appeal which is not so made shall be admitted, without proof of the existence of a just and necessary cause for its not having been preferred in due time; and it is hereby provided that no decree passed by the Inám Commissioner or any of his Assistants shall be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

Setting aside decrees.

SCHEDULE B.

Rules for the Adjudication of Titles to Estates claimed as Inám or exempt from payment of Land-revenue.

Continuance

1. All lands held under a specific and absolute declaration by the British

Government, or any competent officer acting under it, that they were to be continued hereditarily or in perpetuity exempt, wholly or partially, from the payment of revenue, are to be so continued according to the purport of such declaration. of inâms already declared permanent.

Provision 1st.—If any question shall arise as to the competency of the officer to make or give such declaration as aforesaid, the Commissioner or Assistant Commissioner is to suspend his judgment, and report the circumstances of the case to the Governor of Bombay in Council, to whom a power is hereby reserved of determining finally whether such officer was competent to make or give such declaration, and the Commissioner or Assistant Commissioner, upon receiving the determination of the said Governor in Council, shall decide accordingly. Disposal of question as to competency to make declaration.

2. Any land held under a sanad declaring it to be hereditary shall be so continued according to the terms of the sanad. Continuance of holding under sanad declaring it hereditary,

Provision 1st.—Provided that the grant was either made, or specifically recognised, by authority competent to alienate Government revenue in perpetuity, the question of which recognition and competency is to be referred to and determined by Government in the manner prescribed by provision 1st, rule 1. where granted by competent authority,

Provision 2nd.—And provided that there be nothing in the conditions of the tenure which cannot be observed without a breach of the laws of the land, or the rules of public decency. and conditions of tenure legally observable,

Provision 3rd.—And provided that the grant was not afterwards revoked or disallowed, or an alteration of its terms ordered or recognised by a competent authority. and grant not revoked, disallowed or altered.

3. All lands uninterruptedly held as wholly or partially exempt from assessment for a period of sixty years before the introduction of the British Government, and then in the authorised possession of a grandson in male descent or male heir of the body of such grandson, of the original grantee, shall continue to be so held so long as there shall be in existence any male heir of the body of the person who was incumbent at the introduction of the British Government, tracing his lineage from such incumbent through male heirs only. Continuance of holdings exempt or partially exempt for sixty years before British rule.

4. All lands uninterruptedly held as wholly or partially exempt from assessment for a period of forty years before the introduction of the British Government, and then in the authorized possession of a son, or male heir of the body of a son, of the original grantee, are to be continued for one succes- Continuance of holdings so exempt for forty years.

sion further than that of the person who was incumbent at the introduction of the British Government, that is, until the death of his last surviving son.

Authorized possession how proved.

Provision 1st.—The authorized possession contemplated by rules 3 and 4 does not involve the necessity of proving any specific authority from, or recognition by, the Government or paramount Power. The mere entry of the holding, as continued in the genuine accounts of the district-officers (even in those not audited and passed by the Government of the time being), will be sufficient to bring it under the heads of "uninterrupted" and "authorized" so far as regards the purposes of this rule: Provided only that there are no entries in the collectorate-accounts which show that the holding of such lands exempt as aforesaid must have been unauthorized by the Government or paramount Power.

Prescriptive right of claimant when admissible.

Provision 2nd.—If there be not evidence forthcoming to disprove a claimant's assertion that his holding has been undisputedly enjoyed for the number of years and descents requisite to fulfil the conditions of rules 3 and 4 respectively, his prescriptive right shall be admitted.

Introduction of British Government when to date—

Provision 3rd.—The introduction of the British Government is to be reckoned from the time the East India Company became the Government or paramount authority over each district as regards its ináms. In the territories

in territories late of Peshwa,

ceded by or conquered from the Peshwa, therefore, whether khalsat mahál or saranjáms, etc., held exclusive of ináms, etc., the introduction of the British Government will date from the close of that of the Peshwa.

in independent principality or jágír more ancient than Peshwa's government.

But in case of the lapse of an independent principality, or of a jágír more ancient than the Peshwa's government, and over the ináms of which he did not claim any authority, the introduction of the British Government should be reckoned only from the date at which the general management of the districts may have come into the hands of the Company;

Disposal of question as to date of East India Company acquiring Government

and in case any question shall arise as to the precise date when the East India Company became the Government over any district, or when the general management of any district came into their hands, such question shall be referred to and determined by Government in the manner prescribed by provision 1st, rule 1.

Lands resumable on demise of incumbent.

[*] 6. Land held as wholly exempt from payment of revenue, or on partial assessment, the possession of which is not continuable under the preceding rules, is to be resumed on the demise of the incumbent.

Extension of

Provision 1st.—In case the incumbent at the time of the introduction of

[*] There is no rule numbered 5.

the British Government may have died, the permission to hold for life is to be extended to the person in whose name the land may be continued, when the investigation is commenced, if there be no fraud apparent, nor other reason for withholding this indulgence. life-tenure of holding of which incumbent died before British rule.

Provision 2nd.—When land is evidently held by fraud recently committed, (as when an inám which was resumed under the late Government has been re-occupied under the present Government without authority, or as when a pretended inám is found to have originated since the introduction of this Government with the connivance of district or village-officers), it shall be at once resumed, not being continuable under this or any of the preceding rules. Resumption of land held by fraud.

7. All lands held for the support of mosques, temples or similar institutions, of the permanent character of which there can be no doubt, are to be continued permanently, even though their permanent continuance may not have been expressly provided for when they were granted. Continuance of holdings for support of mosques, temples, etc.

Provisions 1st, 2nd and 3rd.—The same as the corresponding provisions of rule 2 of this Schedule in those cases in which title-deeds or other records proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming. Corresponding provisions of rule 2 applied.

Provision 4th.—When there is no proof forthcoming to show whether or not an inám, coming under the provisions of this rule, was granted, or even specifically recognised, by a competent authority, still, if it has been undisputedly enjoyed for a period of forty years before the introduction of the present Government, it shall be permanently continued, and enjoyment proved by the mere entry of the inám, as continued in genuine accounts of the district-officers (even in those not passed by the Government of the time being), is to be considered sufficiently "uninterrupted" to give an inám the benefit of this provision, if there be no entries in the Government accounts which show that it must have been unauthorised by them. Effect of enjoyment for forty years where no proof of grant forthcoming.

Provision 5th.—If the forthcoming records do not go far enough back to test the existence of enjoyment of the duration contemplated in provision 4th as establishing full prescriptive title in such ináms, still, if so far as they do go, they are not opposed to the claimant's assertion that sufficient enjoyment has taken place, the prescriptive title of the inám shall be admitted according to his assertions, unless there be other evidence forthcoming to disprove them. Prescriptive title when admissible where records do not go back enough to test enjoyment for forty years.

Provision 6th.—The peculiar advantages of this rule shall not apply to the holdings of individuals in their own names for the performance of cere- Rule where not applicable.

monial worship, claims to which must be decided under the rules for personal claims.

Adjudication of certain claims coming under rule.

Provision 7th.—When claims of the denomination coming under this rule are found to be unsupported by proof of original valid title, and are proved void of sufficient prescriptive enjoyment, they are to be adjudicated according to rule 6.

Continuance of holdings by official tenure meant to be hereditary.

8. All lands authorisedly held by an official tenure which it is evident from local usage was meant to be hereditary, and has been so considered heretofore even though there be no sanads declaring it to be so,—for instance, ináms which form the authorized emoluments of any hereditary office, as of kázís, village joshís, etc., and are not merely personal,—are to be continued permanently.

Corresponding provision of rule 2 applied.

Provisions 1st, 2nd and 3rd.—The same as the corresponding provisions of rule 2 of this Schedule in those cases in which title-deeds or other records, proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

Continuance of inám enjoyed as official holding during period covered by evidence, though grant or recognition not proved.

Provision 4th.—When there is no proof forthcoming to show whether or not an inám, coming under the provisions of this rule, was granted or even specifically recognised by competent authority, still, if it has been undisputedly enjoyed as an official, and not merely personal, holding from the earliest period to which the forthcoming evidence does relate, it shall be continued permanently as official emolument, unless the claimant's own statement renders this course improper.

Exemption from rule of emoluments for certain services to State.

Provision 5th.—The provisions of this rule are not in any way to apply to emoluments continued for service performed to the State, as the service watans of desáís, sardesáís, nádgaudas, deshpándes, patels, kulkarnís, mhárs, talaváras, whose claims are to be disposed of according to the rules which are or may be established for the regulation of such holdings.

Length of enjoyment by itself does not entitle to benefit of rule.

Provision 6th.—It is to be understood that mere length of enjoyment of land as inám by an official person is not of itself sufficient to entitle a claim to be brought under this rule.

Benefit of preceding rules when allowable.

Provision 7th.—If a holding claimed under this rule be found incapable of permanent continuance under it, the claimant shall be allowed the advantages of any of the preceding rules of this Schedule which may be applicable to his case.

Provision for widows of last incumbents of resumed holdings.

9. On the resumption of any lands under the rules of this Schedule, a moiety or other portion may be continued to the widows of the last incumbents during their lives, in cases of proved poverty and destitution.

Provision 1st.—In the case of a holding which is recognisable as an hereditary personal inám, the widow of a proprietor who dies without surviving male issue, or other heirs to whom his inám will of necessity descend, is by right his sole heir, and during her life the inám cannot be regarded as having lapsed to Government: it should, therefore, in such a case, be continued undiminished during the widow's life.

Continuance to widow and sole heir of holder of hereditary personal inám.

10. These rules shall not be necessarily applicable to jágírs, saranjáms or other tenures for service to Government, or tenures of a political nature, the titles and continuance of which shall be determined as heretofore under such rules as Government may find it necessary to issue from time to time.

Exception of certain tenures from application of rules.

11. Any of these rules may be relaxed in favour of claimants under instructions from the Governor of Bombay in Council, in whom shall also be vested the power of interpreting the precise meaning of any of the rules respecting which a question may arise.

Modification in favour of claimants and interpretation of rules.

ACT No. XI OF 1853[a].

Passed on 15th July, 1853.

An Act to facilitate the removal of nuisances and encroachments below high-water mark in the Islands of Bombay and Kolába.

Preamble.

WHEREAS there is a large sea-shore in the islands of Bombay and Kolába, and it is expedient, with a view to the safe navigation of the harbour of Bombay, and to the public interests generally, to facilitate the removal of nuisances, obstructions and encroachments below high-water mark in the said harbour, or upon or about the shores of the said islands;

It is enacted as follows:—

Power to give notice to remove nuisance.

1. It shall be lawful for the Collector of Land-revenue at Bombay to give notice requiring the removal of any nuisance, obstruction or encroachment anywhere below high-water mark in the said harbour of Bombay, or upon or about the shores of the said islands; such notice shall be given by affixing the same in some conspicuous place on or near to the encroachment, obstruction or nuisance complained of, and by publication thereof in the Bombay Government Gazette, and shall state that, unless the nuisance, obstruction or encroachment be removed or abated within one month, the same will be removed or abated

Mode of giving notice.

Contents.

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[a] Act XI of 1853, so far as it relates to the removal of any obstruction, impediment or public nuisance affecting or likely to affect the navigation of the port of Bombay, was repealed by Act XXII of 1855.

Form.

by the said Collector; such notice may be in the form No. 1, in the schedule to this Act annexed, or to the like effect.

Petition by person denying right to remove nuisance.

2. If any person shall deny the right of the said Collector to effect such abatement or removal, he shall, within one month after such notice shall have been given as aforesaid, apply to the Supreme Court of Judicature at Bombay by petition, setting forth the grounds of his alleged right and praying that the said Collector may be restrained from causing such abatement or removal; and the said Court may thereupon (on the petitioner's giving sufficient security for costs), fix a time for hearing and adjudicating upon such petition, and give such directions and make such orders as the said Court may think just, and the said Court may also make an order for restraining the alleged nuisance, obstruction or encroachment from being extended, or from being abated or removed by the said Collector, until after adjudication upon the said petition, or the dismissal thereof for want of prosecution.

Procedure thereupon.

Onus of proving right.

3. Upon the hearing of every such petition, the onus of proving the alleged right shall be on the petitioner.

Limitation of time for petition.

4. No person shall be allowed, after the expiration of such period of one month, to present any such petition as aforesaid, unless on satisfactorily accounting to the said Court for the delay.

When Collector may cause removal of nuisance.

5. If no such petition shall be presented within the said period of one month, or if the same be presented and determined against the right of the petitioner, or be dismissed for want of prosecution, it shall be lawful for the Collector to cause such abatement or removal as aforesaid by any person or persons to be authorized by warrant under his hand, and such warrant may be in the form No. 2 in the schedule to this Act annexed, or to the like effect; and the said Collector, and any person acting under his warrant, shall not be answerable for any damage unavoidably occasioned in the removal of any such nuisance, obstruction or encroachment.

Form of warrant.

Indemnity.

Power to sell materials of encroachment.

6. The said Collector may sell the materials of any encroachment or obstruction removed under this Act, and may apply the proceeds of sale in or towards payment of the expenses of the removal, and, if any surplus shall remain, the same shall be forfeited, and be paid and applied in such manner as the Governor of Bombay in Council shall direct.

Saving of rights of Crown.

7. Nothing in this Act shall prejudice or affect the rights of [a] the Crown in any part of the said harbour, or of the sea-shore of the said islands, or preclude or interfere with any such proceedings, civil or criminal, for abating

[a] Words repealed by Act XIV of 1870 are omitted.

such nuisances and encroachments as aforesaid, as might have been had if this Act had not been passed.

8. The words "high-water mark" in this Act shall mean the ordinary line of high-water at monsoon tides. "High-water mark" defined.

SCHEDULE.

FORM No. 1.

NOTICE is hereby given by the Collector of Land-revenue in Bombay, under Act No. XI of 1853, that (*describe the encroachment*) is to be removed or abated within one month from the date hereof; otherwise the same will be removed or abated by the said Collector under the authority of the said Act.

Dated the day of in the year of our Lord

(*Signature of Collector.*)

FORM No. 2.

THIS warrant, granted by the Collector of Land-revenue in Bombay, under Act No. XI of 1853, is to authorize of to remove (*describe encroachment*).

(*Signature of Collector.*)

Dated .

ACT No. X OF 1855 [a].

Received the Governor General's assent on 21st March, 1855.

An Act to amend the law relating to the attendance and examination of witnesses in the Civil Courts of the East India Company in the Presidencies of Fort St. George and Bombay[b].

Preamble. Repealed by Act X of 1861.

1 to 8. [*Repeal of Regulations; attendance of party to suit as a witness; written declaration; summons; mode of examination; penalty for non-compliance with summons.*] *Repealed by Act X of 1861.*

9. [*Production of title-deeds.*] *Repealed by Act XII of 1873.*

[a] S. 10 of Act X of 1855 was declared, by the Laws Local Extent Act, 1874, s. 5, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. It has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh—see Appendix, p. xix.

[b] Portion repealed by Act XII of 1891 is omitted.

Recusant witness liable for damages in civil action.

10. Any person, whether a party to the suit or not, to whom a summons to attend and give evidence or produce a document shall be personally delivered and who shall, without lawful excuse, neglect or refuse to obey such summons, or who shall be proved to have absconded or kept out of the way to avoid being served with such summons, and any person who, being in Court, and upon being required by the Court to give evidence or produce a document in his possession, shall, without lawful excuse, refuse to give evidence or sign his deposition, or to produce a document in his possession, shall, in addition to any proceedings to which he would otherwise be subject, be liable to the party at whose request the summons shall have been issued, or at whose instance he shall be required to give evidence or produce the document, for all damages which he may sustain in consequence of such neglect or refusal, or of such absconding or keeping out of the way as aforesaid, to be recovered in a civil action.

11 to 19. [*Postponing case; oral evidence; evidence of parda-nashín women; examination of party, and punishment for false evidence; interpretation of "witness" in Act VII of 1841; no appeal from Judge's order as to summons, etc.; filing of documents; interpretation; commencement of Act.*] *Repealed by Act X of 1861.*

ACT No. XIII OF 1856.

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16. Penalty for dismissed members not delivering up clothing, accoutrements, etc.
17. Bombay City Police Superannuation Fund.
18. Superannuation pension to police.
19. Allowances to officers disqualified by injury, etc., in execution of duty.
20. Power to appoint special constables.
21. Appointment of additional constables on application of private persons.
Discontinuance.
22, 23. [*Repealed.*]
24. Service of criminal process by police.
25. Execution of warrants.
26 to 34. [*Repealed.*]
35. Fraudulent possession of stolen property.
Power to summon persons declared by accused to have had possession within jurisdiction.
Penalty if such possession fraudulent.
36 to 45. [*Repealed.*]
46. Persons who may be arrested without warrant.
47. Penalty for carrying arms without authority.
48. Penalty for taking spirit into barracks or on war-vessels.
49. Penalty for taking spirit, etc., into jail.
50 to 52. [*Repealed.*]
53. Disorderly conduct in public-houses.
54. Penalty for harbouring or concealing deserters from merchant-vessels.
55 to 63. [*Repealed.*]
64. Penalty for cheating at games.
65 to 67. [*Repealed.*]
68. Pawnbrokers and money-changers to report stolen property under penalty for neglect.
69. Broker or dealer altering or defacing stolen articles after information of theft, deemed receiver of stolen goods.
70. Manufacture or possession of gunpowder.
71. Licenses by Commissioner of Police for sale and deposit of gunpowder, etc.
72. Licenses for conveying and removing gunpowder.
73. Commissioner of Police may issue warrant to search for gunpowder, etc.
74. Act not to apply to Government powder, etc.
75, 76. [*Repealed.*]
77. Regulation of public processions, etc., and of carriages and persons at places of public resort.
Licenses for use of music in streets.
78. [*Repealed.*]

(*Preamble.*)

SECTIONS.

79. Refusal to register boat; cancellation of registry.
80. Penalty for neglecting or delaying to report accident to boat attended with loss of life.
81 to 84. [*Repealed.*]
85. Beggars.
86. Police may arrest without warrant on view of offence.
87. [*Repealed.*]
88 Apprehension by private persons.
89. Penalty for assaulting or resisting person apprehending under preceding section.
90. Detention of persons taken into custody by police without warrant.
91. Power to take recognisance.
92. Condition of recognisance.
93. Powers of Commissioner of Police acting on information of stolen goods being concealed.
94. Power to search for stolen property without warrant.
95 to 106. [*Repealed.*]
107. If Magistrate certifies non-appearance of person pursuant to recognisance, sum acknowledged may be recovered as fine.
108 to 112. [*Repealed.*]
113. Moveable property of intestate under two hundred rupees in value may be taken charge of by police, and delivered to claimant.
114. Commissioner of Police may take security for due administration. Saving of right of other person claiming.
115. [*Repealed.*]
116. Power to appoint periods during which stray dogs may be killed.
117, 118. [*Repealed.*]

SCHEDULE.—LAWS REPEALED.—[*Repealed.*]

SCHEDULE OF FORMS.

ACT No. XIII OF 1856 [a].

Received the Governor General's assent on 13th June, 1856.

An Act for regulating the Police of the towns of *Calcutta, Madras and* Bombay [b].

Preamble. WHEREAS it is expedient to consolidate and amend the laws relating to the

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[a] Act XIII of 1856 was repealed in Calcutta by Ben. Act IV of 1866, and in Madras by Mad. Act VIII of 1867, s. 81. The portions of the Act which are printed in italics without an explanatory note are, or appear to be, obsolete in consequence of these repeals.

Act XLVIII of 1860 and Bom. Act I of 1872 are to be read with, and taken as part of, Act XIII of 1856—see Act XLVIII of 1860, s. 1, *infra*, p. 108, and Bom. Act I of 1872, s. 10, in Vol. II of this Code.

For power to create a general police-district embracing parts of two or more presidencies, provinces or places, see Act III of 1888, s. 2 (in General Acts, 1885-88, Ed. 1889, p. 191). As to employment of police-officers beyond the place to which they belong, see *ib*, s. 3.

[b] Words repealed by Act XVI of 1874 are omitted.

police[a] of the towns of *Calcutta, Madras and* Bombay[b];

It is enacted as follows:—

1. [*Repeal and amendment of enactments.*] *Repealed in part by Acts XIV of 1870 and IV of 1877; residue repealed by Act XII of 1891.*

Interpretation-clause.

2. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say)—

the expression "Local Government" shall mean the person or persons for the time being immediately administering the executive government of that portion of the territories [c] under the Government of [c] India [c] in which the town [b] is situated:

the word "Magistrate" shall mean any Magistrate of Police acting for the place where the matter requiring the cognisance of a Magistrate arises:

the word "town" shall include all places within the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature at *Calcutta, Madras and* Bombay [d]:

the word "property" shall include any chattel, money or valuable security:[e]

words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

words importing the masculine gender shall include females:

the word "person" shall include a corporation:

the word "month" shall mean calendar month:

the word "oath" shall include any affirmation or declaration lawfully substituted for an oath:

the word "cattle" shall, besides horned cattle, include horses, asses, mules, sheep, goats and swine.

Appointment and removal of Commissioner of Police.

3. The administration of the police in *each of* the said towns[b] shall be vested in an officer to be styled the Commissioner of Police for such town [b], who shall from time to time be appointed by the Local Government, and may be removed by the same authority, and who shall receive such salary as the Governor General of India in Council shall allow.

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[a] Words repealed by Act IV of 1877 are omitted.
[b] Words repealed by Act XVI of 1874 are omitted.
[c] Words repealed by Act XII of 1891 are omitted.
[d] The definition of "station," repealed by Act XVI of 1874, is omitted.
[e] The definition of "Her Majesty's Supreme Court of Judicature," repealed by Act XVI of 1874, is omitted.

All powers which by law are given to a Superintendent of Police in *any* such town [a] shall be vested in the Commissioner of Police [b].

Appointment of Deputies to Commissioner of Police.

4. The Local Government, with the sanction of the Governor General in Council, may from time to time appoint one or more Deputies to the Commissioner of Police, who shall be competent to perform any of the duties assigned to that officer under his orders.

The Deputy Commissioners may be removed at any time by order of the Local Government.

Commissioner of Police shall not ordinarily be a Magistrate.

5. The Commissioner of Police shall not ordinarily be a Magistrate of Police *under this Act*[c], but, with the sanction of the Governor General of India in Council, may be appointed to that office when the Local Government, for special reasons, may deem it expedient.

Commissioner of Police to be Justice of the Peace, but to act only in certain cases.

6. The Commissioner of Police shall be appointed a Justice of the Peace, but, unless he is vested with the jurisdiction of a Magistrate of Police, he shall act as a Justice only so far as may be necessary for the preservation of the peace, the prevention of crimes, and the detection, apprehension and detention of offenders in order to their being brought before a Magistrate of Police; and so far as may be necessary for the performance of the duties assigned to the Commissioner by this Act.

The Deputies to the Commissioner of Police may be appointed Justices of the Peace, and, if so appointed, shall act in that capacity, subject to the above restriction.

Constitution of police-force.

7. For *each of* the said towns [a] there shall be a police-force, which shall consist of such number of officers and men and shall be otherwise constituted in such manner as shall be, from time to time, ordered by the Local Government, with the sanction of the Governor General of India in Council.

Police to be under control of Commissioner. Rules for its government to be made by Commissioner and approved by Government.

8. The police-force shall be under the exclusive direction and control of the Commissioner of Police, who may, from time to time, subject to the approbation of the Local Government, frame such orders and regulations as he shall deem expedient, relative to the general government of the force, the places of residence, the classification, rank, distribution and particular service of the several members thereof; their inspection; the description of arms, accoutrements and other necessaries to be furnished to them; and all such other

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[a] Words repealed by Act XVI of 1874 are omitted.
[b] Portion repealed by Act XII of 1891 is omitted.
[c] S. 22 of this Act, as to appointment of Magistrates of Police, was repealed by Act IV of 1877. See now the Code of Criminal Procedure, 1882 (Act X of 1882), s. 18 (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

orders and regulations relative to the said police-force as the said Commissioner shall, from time to time, deem expedient for preventing neglect or abuse, and for rendering such force efficient in the discharge of all its duties.

9. [*Appointment of Peace-officers in Straits Settlements.*] *Repealed by Act XVI of 1874.*

Appointment, suspension and dismissal, etc., of police.

10. The appointment of the members of the police-force shall rest with the Commissioner of Police, and he may, at any time, suspend or dismiss any member of the force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Power of Commissioner to fine members of police.

11. For any lesser breach of discipline, or other misconduct not requiring the suspension or dismissal of the offender, a member of the police-force may be fined by the Commissioner in any sum not exceeding one-half of his monthly pay.

Additional penalties for police for neglect of duty, etc.

12. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the police, besides being suspended or dismissed from his employment at the discretion of the Commissioner, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred rupees (which may be deducted from any salary then due to such offender), or to imprisonment, with or without hard labour, for any time not exceeding three months.

13. [*Taking bribes.*] *Repealed by Act XLVIII of 1860.*

Members to receive certificates vesting them with powers of constable.

14. Every member of the police-force shall receive on his enrolment a certificate (A), under the signature of the Commissioner of Police, by virtue of which he shall be vested with the powers, functions and privileges of a constable. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the force.

15. [*Resignation by member of police-force.*] *Repealed by Act XLVIII of 1860.*

Penalty for dismissed members not delivering up clothing, accoutrements, etc.

16. Every member of the police-force who shall be dismissed from, or shall cease to hold and exercise, his office, and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements and appointments, and other necessaries which may have been supplied to him for the execution of his duty, to the Commissioner or to such person and at such time and place as shall be directed by the said Commissioner, shall be liable, on conviction before a Magistrate, to imprisonment, with or without hard labour, for any time not exceeding one month.

And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements, appointments and other necessaries which shall not be so delivered over, wherever the same may be found.

Bombay City Police Superannuation Fund.

[a] **17.** There shall be deducted from the [b]salary and authorized allowances[b] of every member of the Bombay City Police-force of a class not entitled to the benefit of the Uncovenanted Service Pension Rules a sum according to such rate as the Local Government shall direct, not being a greater rate than one anna in the rupee,

which sum so deducted, and also the money accruing from stoppages from members of the said police-force during absence from sickness or other cause, and fines imposed on members thereof for misconduct, and from fines imposed by Magistrates upon drunken persons, or for assaults upon police-officers, and all moneys arising from the sale of worn or cast-off clothing or other articles supplied for the use of the police, shall from time to time be invested in such manner and in such securities as the Local Government may, in writing, direct,

and the interest and dividends thereof, or so much of the same as shall not be required for the purposes hereinafter mentioned, shall be likewise invested as aforesaid, and accumulate, so as to form a fund to be called "The Bombay City Police Superannuation Fund," and shall be applied from time to time to payment of such superannuation or retiring allowances or gratuities as may be ordered by the Local Government at any time to any of the aforesaid members of the police-force, as hereinafter provided.

Superannuation pension to police.

[c]**18.** It shall be lawful for the Local Government to sanction that any member of the said class of the police-force aforesaid may be superannuated, and receive thereupon out of the said Superannuation Fund a monthly pension, subject to the following conditions; that is to say—

First.—If the period during which the individual shall have actually served in the said police-force, after attaining the age of twenty-two years, be more than fifteen years, but less than twenty years, he may, on production of a certificate under the hand of the Police Surgeon, that he is physically unfit for further efficient service in the police, and that such unfitness

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[a] This section was substituted for the original s. 17 by Bom. Act I of 1872, s. 2 (printed in Vol. II of this Code.

[b-b] These words were substituted for the original word by Bom. Act II of 1879 (printed in Vol. II of this Code.

[c] This section was substituted for the original s. 18 by Bom. Act I of 1872, s. 4.

is not the result of intemperance, be granted a pension the amount of which shall not exceed one-third of his monthly salary or authorized official allowances, calculated on an average of the five years next preceding the date of his application for pension.

Second.—If the period of his actual service in the said force, after attaining the age of twenty-two years, be over twenty years and under twenty-five years, the applicant may, on production of such a certificate as aforesaid, be granted a pension not exceeding in amount one-half of his salary or authorized allowances, calculated in the manner above stated.

Third.—If the period of his actual service in the said force, after attaining the age of twenty-two years, be upwards of twenty-five years, the applicant may be granted a pension not exceeding one-half of his salary or authorized allowances, calculated as above stated, without the production of such medical certificate.

Allowances to officers disqualified by injury, etc., in execution of duty.

[*] **19.** If any member of the said police-force shall at any time become disqualified for further police-service by any wound or injury received in such service, he may be granted from the said fund a pension of such amount not exceeding one-half of his average pay and allowances during the five previous years of his service, or such gratuity as the Local Government may think fit.

Power to appoint special constables.

20. The Commissioner of Police may, of his own authority, appoint special constables to assist the police-force on any temporary emergency.

Appointment of additional constables on application of private persons.

21. The Commissioner of Police may also, if he shall think fit, on the application of any person showing the necessity of it, appoint any additional number of constables to keep the peace at any place within his jurisdiction, at the charge of the person applying, but subject to the orders of the said Commissioner, and for such time as he shall think fit; and every such constable shall receive a certificate, by virtue of which he shall be vested with all the powers, privileges and duties of the constables belonging to the police-force:

Discontinuance.

Provided that the person upon whose application such appointment shall have been made may, upon giving one month's notice in writing to the Commissioner of Police, require that the constables so appointed at his expense shall be discontinued, and thereupon the said Commissioner shall discontinue such additional constables; and all moneys received by the Commissioner for the payment of any such additional constables shall be accounted for by him.

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[*] This section was substituted for the original s. 19 by Bom. Act I of 1872, s. 5 (printed in Vol. II of this Code.

22, 23. [*Police-districts; appointment of Police-Magistrates; attendance of police-officers at Police Courts.*] *Repealed by Act IV of 1877.*

Service of criminal process by police.

24. All summonses, subpœnas and warrants issued in any criminal proceeding by a Commissioner or Deputy Commissioner of Police[a] shall be served and executed within the said towns [b] by an officer of the police-force, and by none other.

Execution of warrants.

25. When any warrant shall be directed or delivered to any such officer, unless the authority issuing it shall order that it be executed without delay, such police-officer shall deliver the same to the superior officer in charge of the division to which he belongs, who shall appoint, by endorsement thereon, one or more police-officers to execute the same; and every police-officer whose name shall be so endorsed thereon shall have the same powers, privileges and protection as if the same had been originally directed to him by name.

26 to 31. [*Trial and punishment of offences.*] *Repealed by Act IV of 1877.*

32 to 34. [*Summary trials; restitution; compensation.*] *Repealed by Act XLVIII of 1860.*

Fraudulent possession of stolen property.

35. *Clause 1.*—Whoever has in his possession, or conveys in any manner, anything which may be reasonably suspected of being stolen or fraudulently obtained shall, if he fail to account satisfactorily how he came by the same, be liable to a penalty not exceeding one hundred rupees, or to imprisonment, with or without hard labour, for any term not exceeding three months.

Power to summon persons declared by accused to have had possession within jurisdiction.

Clause 2.—If any person, charged with having or conveying anything stolen or fraudulently obtained, shall declare that he received the same from some other person, or that he was employed as a carrier, agent or servant, to convey the same for some other person, the Magistrate may cause every such other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same shall have passed (provided that such other person shall be alleged to have had possession of the same within the jurisdiction of such Magistrate), to be brought before him and examined, and shall examine witnesses [a] touching the same;

Penalty if such possession fraudulent.

and if it appear to such Magistrate that any person so brought before him had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be liable to a penalty

[a] Words repealed by Act IV of 1877 are omitted.
[b] Words repealed by Act XVI of 1874 are omitted.

not exceeding one hundred rupees, or to imprisonment, with or without hard labour, for any term not exceeding three months.

36, 37. [*Disposal of stolen property; punishment for assaults, etc.*] *Repealed by Act IV of 1877.*

38 to 40. [*Assaulting policeman; escaping from confinement; penalty for trespass.*] *Repealed by Act XLVIII of 1860.*

41, 42. [*Disturbing religious worship; trespassing with intent to disturb religious ceremony, etc.*] *Repealed by Act IV of 1877.*

43. [*Maintenance of wives and children.*] *Repealed by Act XLVIII of 1860.*

44, 45. [*Abduction.*] *Repealed by Act IV of 1877.*

Persons who may be arrested without warrant.

46. Any person found between sunset and sunrise, armed with any dangerous or offensive instrument whatsoever, with intent to commit any felonious act;

any reputed thief found between sunset and sunrise on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare or other place, who shall not give a satisfactory account of himself;

any person found between sunset and sunrise having his face covered, or otherwise disguised, with intent to commit any felony;

any person found between sunset and sunrise in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and

any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking,

may be taken into custody by any police-officer without a warrant, and shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months.

Penalty for carrying arms without authority.

47. Whoever, not being a soldier or sailor in the army or navy of the Queen [*], or a police-officer, goes armed with any sword, spear, gun or other offensive weapon, in any street, thoroughfare or public place, unless by leave of the Commissioner of Police, shall be liable to be disarmed by any police-officer;

and the weapon so seized shall be forfeited to the Government, unless redeemed by payment of a fine, at the discretion of the Commissioner, not exceeding ten rupees.

Penalty for

48. Whoever, not being amenable to the Articles of War, takes or attempts

[*] Portion repealed by Act XVI of 1874 is omitted.

taking spirit into barracks or on war-vessels.

to take *into Fort William at Calcutta, or Fort St. George,* or into the barracks or buildings occupied by the troops composing the garrison of Bombay, or into any military barracks, guard-rooms or encampments within *any of* the said towns [*], or on board or alongside of any vessels of war belonging to Her Majesty [*] in the ports of the said towns [*], any spirits or spirituous or fermented liquors, or intoxicating drugs or preparations, without the license in writing of the commanding officer (unless such articles belong to some person above the rank of non-commissioned officer), shall be liable to a fine not exceeding one hundred rupees, or imprisonment for any term not exceeding two months, with or without hard labour; and such liquors, drugs or preparations, and the vessels containing the same, shall be forfeited.

Penalty for taking spirit, etc., into jail.

49. Whoever takes, or attempts to take, without due permission, or throws or attempts to throw, into any jail or house of correction, or into any public hospital, any spirits or spirituous or fermented liquors, or intoxicating drugs or preparations, shall be liable to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any term not exceeding two months.

50 to 52. [*Keeping taverns, etc., or other place of public resort and entertainment, without license; licenses for keeping such houses or places, etc.*] *Repealed by Act XLVIII of 1860.*

Disorderly conduct in public houses.

53. Whoever, being the keeper of any such house or place of public resort and entertainment in the said towns, [*] knowingly permits drunkenness or other disorderly behaviour in such house or place, or knowingly suffers any gaming whatsoever therein, or who knowingly permits prostitutes, or persons of notoriously bad character, to meet or remain therein, or who wilfully harbours or conceals any soldier, seaman or apprentice, knowing, or having reason to believe, such soldier, seaman or apprentice to be a deserter, shall be liable to a fine not exceeding one hundred rupees, and shall also be liable to forfeit his license.

Penalty for harbouring or concealing deserters from merchant-vessels.

54. Whoever, in any place within *any of* the said towns [*], wilfully harbours or conceals any seaman or apprentice belonging to a merchant-vessel, knowing, or having reason to believe, such seaman or apprentice to be a deserter, shall be liable to a fine not exceeding one hundred rupees.

55. [*Brothels.*] *Repealed by Act XLVIII of 1860.*

56 to 58. [*Gaming.*] *Repealed by Bom. Act IV of 1887.*

59. [*Gaming.*] *Repealed by Act XLVIII of 1860.*

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[*] Portion repealed by Act XVI of 1874 is omitted.

60 to 63. [*Gaming.*] *Repealed by Bom. Act IV of 1887.*

64. Whoever, by any fraud or unlawful device or ill-practice in playing at or with cards, dice or other game, or in bearing a part in the stakes, wagers or adventures, or in betting on the sides or hands of them that do play, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to cheat or defraud such person of the same, and, being convicted thereof, shall be liable to punishment accordingly. Penalty for cheating at games.

65, 66. [*Gaming.*] *Repealed by Bom. Act IV of 1887.*

67. [*Taking pledge from child.*] *Repealed by Act XLVIII of 1860.*

68. If any property regarding which written or printed information shall be given by any police-officer to any pawnbroker or dealer in second-hand property or money-changer as having been stolen, embezzled or fraudulently obtained, shall then be or thereafter come into the possession of or be offered in pawn or for sale or change to such pawnbroker, dealer or money-changer, he shall, without unnecessary delay, give information to the Commissioner of Police or at the police-office that certain property answering the description of the said property was offered to him, or is in his possession, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received, under a penalty not exceeding fifty rupees for each and every such neglect or offence: Pawnbrokers and money-changers to report stolen property under penalty for neglect.

Provided always that, in the case of wearing-apparel or other articles which it may be difficult for such pawnbroker or dealer to trace out and identify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawnbroker or dealer.

69. If any pawnbroker or dealer in second-hand goods or worker in gold or silver, after receiving information of the theft or the embezzling or the fraudulent disposal of any metals, goods or articles of whatsoever description melts, alters, defaces or puts away the same, or causes the same to be melted, altered, defaced or put away, without having previously received the permission of the Commissioner of Police, and it shall be found that such metals, goods or articles were stolen, embezzled or fraudulently disposed of by the person from whom such pawnbroker, dealer or worker received the same or by any other person, then and in such case it shall be held that such pawn- Broker or dealer altering or defacing stolen articles after information of theft, deemed receiver of stolen goods.

broker, dealer or worker knew that such metals, goods or articles were stolen, embezzled or fraudulently disposed of, and such pawnbroker, dealer or worker shall be proceeded against according to law as a receiver of stolen goods, or as being a party to the fraud, and punished accordingly; and no other evidence of his guilt shall be necessary than evidence of such melting, altering, defacing or putting away, after receiving information as aforesaid.

Manufacture or possession of gunpowder.

70. Whoever manufactures gunpowder or, without a license from the Commissioner of Police, has in his possession, in any house, shop, warehouse or other building, at any one time, a greater quantity of gunpowder than ten pounds, shall be liable to a fine not exceeding five hundred rupees, and also to forfeit such gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

Licenses by Commissioner of Police for sale and deposit of gunpowder, etc.

71. The Commissioner of Police may grant to any person a license for the sale or keeping in deposit of any quantity of gunpowder not exceeding fifty pounds, on such conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person who shall be guilty of a breach of any of such conditions shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred rupees, and to forfeit all gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also, in the discretion of the Magistrate, or of the Commissioner, to forfeit his license.

Licenses for conveying and removing gunpowder.

72. The Commissioner of Police may grant to any person a license for the transit and carrying of gunpowder from one place to another, in such manner and in such quantity as he may deem advisable; and any person, not being duly licensed in that behalf, who carries or conveys a greater quantity of gunpowder than one pound from one place to another shall be liable to a fine not exceeding fifty rupees.

Commissioner of Police may issue warrant to search for gunpowder, etc.

73. The Commissioner of Police, on credible information laid before him on oath, may issue his warrant authorizing a police-officer to search in the day-time any house, shop, magazine or other building or place in which he has reasonable ground to suspect that any gunpowder is manufactured, sold or kept, or any boat, carriage, cart or other vehicle in which any gunpowder may be suspected to be carried, or any person suspected of carrying the same contrary to the provisions of this Act; and all gunpowder found on such search shall, together with the vessels or receptacles in which it may be stored, be immediately seized and kept, pending the judgment of a Magistrate.

74. None of the four last preceding sections shall extend to any Government magazine or store, or building for the making or deposit of gunpowder, under the authority or for the use of the Government, or to any gunpowder belonging to Her Majesty[*]. Act not to apply to Government powder, etc.

75, 76. [*False weights and measures.*] *Repealed by Act XLVIII of 1860.*

77. The Commissioner of Police, from time to time, as occasion may require, may, subject to the orders of the Local Government, make rules— Regulation of public processions, etc., and of carriages and persons at places of public resort.

for the conduct of all assemblies and processions in the public roads, streets or thoroughfares, prescribing the routes by which, and the times at which, such processions may pass; and

for keeping order in the public roads, streets, thoroughfares, ghâts and landing-places, and all other places of public resort, and preventing obstructions thereof on the occasion of such assemblies and processions; and in the neighbourhood of places of worship during the time of public worship; and in any case when the roads, streets or thoroughfares, ghâts or landing-places, may be thronged, or may be liable to be obstructed;

and may give licenses for the use of music in the streets on the occasion of Native festivals and ceremonies; Licenses for use of music in streets.

and every person opposing or not obeying the orders so issued by the Commissioner of Police, or violating the conditions of such license, shall be liable to a fine not exceeding one hundred rupees.

78. [*Registration of passenger-boats in Calcutta and in ports of the Straits Settlements.*] *Repealed by Act XLVIII of 1860.*

79. *The Commissioner may refuse to register any boat, or may cancel the registration thereof whenever it may appear to him to be in an unsafe state.* *Refusal to register boat; cancellation of registry.*

80. *Whenever any accident shall occur to a registered boat, attended with loss of the life of any one of the crew or passengers, the manjhí, or, if the manjhí be not forthcoming, the owner, of the boat, shall report the circumstances at the police-office; and, if the manjhí or the owner, as the case may be, without lawful excuse, neglect or delay to make such report, he shall be liable to a fine not exceeding fifty rupees.* *Penalty for neglecting or delaying to report accident to boat attended with loss of life.*

81, 82. [*Penalties for offences in public streets, etc.*] *Repealed by Act XLVIII of 1860.*

83, 84. [*Penalties for offences in public streets, etc.*] *Repealed by Act IV of 1877.*

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[*] Words repealed by Act XVI of 1874 are omitted.

Beggars.

85. Whoever, in any public road, street, thoroughfare or place, begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment or deformity, with the object of exciting charity or of obtaining alms; or whoever seeks for, or obtains, alms, by means of any false statement or pretences, shall be liable to imprisonment, with or without hard labour, for any term not exceeding one month.

Police may arrest without warrant on view of offence.

86. Any police-officer may arrest, without a warrant, any person committing, in his view, any offence against this Act.

87. [*Police may arrest without warrant persons charged with aggravated assaults.*] *Repealed by Act IV of 1877.*

Apprehension by private persons.

88. Whoever commits an offence on or with respect to the person or property of another, or, in committing an offence under this Act, injures or damages the person or property of another, may, if his name and address be unknown, be apprehended by the person injured, or by any person who may be using the property to which the injury may be done, or by the servant of either of such persons, or by any person authorized by or acting in aid of him, and may be detained until he give his name and address and satisfy such person that the name and address to given are correct, or until he can be delivered into the custody of a police-officer.

Penalty for assaulting or resisting person apprehending under preceding section.

89. If any person lawfully apprehended under the last preceding section shall assault or forcibly resist the person by whom he shall be so apprehended, or any person acting in his aid, he shall be liable to a fine not exceeding two hundred rupees.

Detention of persons taken into custody by police without warrant.

90. Every person taken into custody without a warrant by a police-officer shall be taken to the station-house in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before a Magistrate.

Power to take recognizance.

91. Whenever any person is brought to a station-house charged with any offence against this Act, other than a felony, or whenever a person charged with a felony is in the custody of any police-officer without a warrant, it shall be lawful for the officer in charge of such station-house, or any superior officer of police, if he shall deem it prudent, and, in the case of felony, if he shall deem it probable that the person is falsely accused, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Condition of recognisance.

92. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Magistrate at his next sitting, and the time and place of appearance, and the sum

thereby ackowledged (not exceeding one thousand rupees) shall be specified in the said recognizance, or in the condition thereof; and the officer taking the recognizance shall enter into a book, to be kept for the purpose, the name, residence and occupation of the party, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

Powers of Commissioner of Police acting on information of stolen goods being concealed.

93. If information shall be given on oath to the Commissioner of Police [*] that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building or other place, or any ship or vessel, the Commissioner [*], by special warrant under his hand directed to any police-officer, may cause such dwelling-house, building or other place, or ship or vessel, to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant;

and the said Commissioner [*], if it shall appear to him necessary, may empower such police-officer, with such assistance as may be found necessary (such officer having previously made known his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise; and if, upon search thereupon made, such thing shall be found, then to convey the same before a Magistrate, or to guard the same on the spot until the offenders are taken before a Magistrate, or otherwise dispose thereof in some place of safety; and moreover to take into custody, and carry before the said Magistrate, every person found in such house or place, or ship or vessel, who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen, or otherwise unlawfully obtained.

Power to search for stolen property without warrant.

94. If information shall be given to any officer of police not below the rank of inspector that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and he shall have good grounds for believing that, by reason of the delay in obtaining a search-warrant, the property is likely to be removed, the said officer, in virtue of his office, may search for specific articles alleged to have been stolen in the houses and places specified:

Provided always that a list of the articles stolen or missing be delivered or taken down in writing, with a declaration stating that the robbery has been

[*] Words repealed by Act IV of 1877 are omitted.

committed, and that the informant has good ground to believe that the property is deposited in such house or place; and provided, further, that the person who lost the goods, or his representative, accompany the officer in the search.

95 to 98. [*Procedure of Magistrates.*] *Repealed by Act IV of 1877.*

99. [*Examination of prisoner as witness.*] *Repealed by Act XLVIII of 1860.*

100 to 104. [*Perjury; adjournment, committal, discharge; costs; amends; compromise.*] *Repealed by Act IV of 1877.*

105. [*Levy of fines.*] *Repealed by Act XLVIII of 1860.*

106. [*Distress.*] *Repealed by Act IV of 1877.*

If Magistrate certifies non-appearance of person pursuant to recognizance, sum acknowledged may be recovered as fine.

107. If any person, upon entering into such recognizance as is by this Act authorized to be taken, do not afterwards appear pursuant to such recognizance, the Magistrate before whom he ought to have appeared shall certify the fact of such non-appearance on the back of the recognizance, and thereupon the sum thereby acknowledged shall be recoverable *in the manner provided by this Act*[a] for levying fines.

108 to 111. [*Recognizances; powers of Court of Petty Sessions, Bombay, as to summonses, etc.; form of judgment; convictions to be quashed on merits only; form of conviction, &c.*] *Repealed by Act IV of 1877.*

112. [*Limitation; notice of action, tender of amends; costs.*] *Repealed by Act XLVIII of 1860.*

Moveable property of intestate under two hundred rupees in value may be taken charge of by police, and delivered to claimant.

113. Whenever any person dies intestate within *any of* the said towns [b] leaving moveable property therein under two hundred rupees in value, which property is, in the absence of any person entitled thereto, taken charge of by the police for the purpose of safe custody, it shall be lawful for the Commissioner of Police to order the said property to be delivered, without letters of administration taken out, to any person claiming to be entitled to the whole or any part thereof[c]:

Provided he shall be satisfied of the title of the claimant, and of the value of the property, by the oath or affirmation of the claimant, or by such other evidence as he may require.

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[a] See section 105, *supra*, which has been repealed.
[b] Words repealed by Act XVI of 1874 are omitted.
[c] As to saving of this provision from the operation of the general Succession Law, see s. 66 of Act II of 1874, a revised edition of which, as modified up to 1st July, 1890, has been published by the Legislative Department.

114. The Commissioner of Police may, at his discretion, before making any order under the preceding section, take such security as he may think proper for the due administration and distribution of such property.

Commissioner of Police may take security for due administration.

And nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

Saving of right of other person claiming.

115. [*Stray animals.*] *Repealed by Act XLVIII of 1860.*

116. It shall be lawful for the Commissioner of Police, by order in writing to be affixed at the principal police-stations, and also to be published in some public newspaper, to appoint from time to time certain periods within which any dogs found straying in the streets or beyond the enclosures of the houses of the owners of such dogs may be destroyed.

Power to appoint periods during which stray dogs may be killed.

117. [*Foreign deserters.*] *Repealed by Act XII of 1875.*

118. [*Commencement of Act.*] *Repealed by Act XVI of 1874.*

SCHEDULE.

[LAWS REPEALED.]

Repealed by Act XIV of 1870.

SCHEDULE OF FORMS.

FORM A. [a]

A. B. has been appointed a superintendent, inspector, jamadár, dárogha or peon (*as the case may be*) in the ( ) Police-force, and is vested with the powers, functions and privileges of a constable.

FORM B.

[*Repealed by Act XII of 1891.*]

ACT No. IV OF 1857.

CONTENTS.

PREAMBLE.
SECTIONS.
1. [*Repealed.*]

[a] See section 14, *supra*, p. 77.

SECTIONS.

2. Municipal duty on tobacco for consumption in Bombay.
3. Municipal duty when payable.
4. Duty not paid on importation to be paid on removal from warehouse for consumption.
Remission of duty on re-exportation.
5. Bombay a warehousing port for tobacco.
6. Powers for collecting and enforcing payment of duty.
7. Tobacco not to be imported otherwise than by sea.
Landing-places to be prescribed.
8. Exemption from duty.
9. Permit necessary for removal of tobacco.
Proviso.
10. No permit for removal from warehouse of less than bale.
Proviso.
11. License for retail-sale of tobacco.
12 What to be deemed retail-sale.
13. Retail-sale to be only at place mentioned in license.
Name and number to be affixed to shop.
14. Monthly returns of stock to be made by retail-dealers.
15. Retail-dealer to enter in book, weight, etc., of tobacco received.
Inspection of book.
16. Search-warrant.
17. Power to arrest and detain;
to search vehicles, etc.
18. Confiscation of tobacco illegally imported, removed, etc.
Mitigation of penalty.
19. Penalty for illegal importation, removal, sale or possession.
Revocation of license.
20. Levy of fines, and adjudication and sale of confiscations.
21. Interpretation-clause.

SCHEDULE A.—FORM OF PERMIT.

ACT No. IV OF 1857.

Received the Governor General's assent on 9th February, 1857.

An Act to amend the law relating to the duties payable on tobacco and the retail sale and warehousing thereof in the town of Bombay.

Preamble. WHEREAS it is expedient to amend the law relating to the duties payable on tobacco and the retail-sale and warehousing of that article in the town of Bombay; It is hereby enacted as follows:—

1. [*Repeal of enactments.*] *Repealed by Act XIV of 1870.*

Municipal duty on tobacco for consumption in Bombay.

2. All tobacco (except such small quantities as are hereinafter mentioned) imported from any place into the town of Bombay and intended for consumption therein shall be liable to a duty of seven rupees and eight annas per maund of forty sers of eighty tolas to the ser, which duty is hereinafter called the municipal duty[a].

Municipal duty when payable.

3. The said municipal duty may be paid, at the option of the importer, either on the importation of the tobacco, or after it has been warehoused as hereinafter provided.

Duty not paid on importation to be paid on removal from warehouse for consumption.

4. If the said municipal duty is not paid on importation, the tobacco shall be warehoused in a public or licensed warehouse [b]; and the importer shall pay such duty on the said tobacco on its removal from the warehouse for consumption in the said town.

Remission of duty on re-exportation.

When tobacco so warehoused is re exported to any place beyond the limits of the said town, the whole of the said municipal duty shall be remitted.

Bombay a warehousing port for tobacco.

5. The port of Bombay shall [c] be held to be a warehousing port [d] so far as regards the warehousing of tobacco[e].

Powers for collecting and enforcing payment of duty.

6. The Commissioner of Customs, Salt and Opium and officers of customs shall have all the same powers and authorities for collecting and enforcing payment of the said municipal duty in addition to the powers and authorities specified in this Act, as they now have or shall have in respect of duties of customs.

Tobacco not to be imported otherwise than by sea.

7. It shall not be lawful, without the permission of the Commissioner of Customs, Salt and Opium, or other officer empowered by Government to grant such permission, to bring any tobacco or any preparation thereof into Bombay otherwise than by sea, nor to land the same at any other landing-places than such as may from time to time be prescribed by the Government of Bombay.

Landing-places to be prescribed.

Exemption from duty.

8. The foregoing provisions of this Act shall not be applicable to such small quantities of tobacco (not exceeding in weight four sers of eighty tolas to the ser) as are intended for the private consumption of the importer.

Permit necessary for removal of tobacco.

9. It shall not be lawful to remove any tobacco from one place to another within the said town, nor to carry or convey the same on any thoroughfare in the said town, nor to carry the same in any vessel or boat of less than forty

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[a] Words repealed by Act XII of 1891 are omitted.
[b] Portion repealed by Act XVI of 1874 is omitted.
[c] Words repealed by Act XII of 1876 are omitted.
[d] Portion repealed by Act XIV of 1870 is omitted.
[e] Words repealed by Acts XVI of 1876 and XII of 1891 are omitted.

khándís burthen in any of the creeks or waters adjacent to the said town, without a permit from the Commissioner of Customs, Salt and Opium, which permit shall be in the form of Schedule A to this Act annexed, or to the like effect;

any such permit shall be in force only between sunrise and sunset of the day for which it is granted:

Proviso. Provided always that it shall be lawful to convey without a permit any tobacco so far as may be necessary for the lawful importation thereof according to the provisions of this Act, and also small quantities of tobacco, not exceeding in weight four sers of eighty tolas to the ser, for personal or domestic use.

No permit for removal from warehouse of less than bale.

10. No permit shall be granted for the removal from warehouse of any quantity of tobacco less than an entire bale or package:

Proviso. Provided that, when tobacco is to be removed for consumption in the said town, the Commissioner of Customs, Salt and Opium may give permission to open any bale or package previous to removal, and to set aside such portion thereof as may be refuse or waste; and the said refuse or waste may be re-exported, under the rules for the re-export of tobacco, at any time within one month from the date of such permission, or, if it be not so re-exported, may be destroyed by order of the Commissioner.

License for retail-sale of tobacco.

11. It shall not be lawful for any person to sell or offer for sale by retail any tobacco in the said town without a license from the Commissioner of Customs, Salt and Opium, or other officer duly empowered by Government in that behalf, which license shall be in force for a period of twelve calendar months from the date thereof, unless the person to whom the license is granted shall be deprived thereof under the provisions of this Act.

A fee of one rupee shall be paid for every such license.

What to be deemed retail-sale.

12. Any sale of tobacco not exceeding in weight fourteen sers of eighty tolas to the ser shall be deemed to be a retail-sale within the meaning of this Act.

Retail-sale to be only at place mentioned in license.

13. It shall not be lawful for any licensed retail-dealer in tobacco to carry on the retail-sale of the same, or to keep any store of the same, except at such shop or other premises as may be specified in his license; and the name of

Name and number to be affixed to shop.

every retail-dealer in tobacco, together with the number of his license, shall be written or painted in English, Guzráti and Maráthí, in plain and legible characters of not less than one inch in height, on a board to be affixed in a

conspicuous manner in the front of the shop or premises where such retail-sale is carried on.

Monthly returns of stock to be made by retail dealers.

14. Every retail-dealer in tobacco shall, on or before the tenth day of each month, make to the Commissioner of Customs, Salt and Opium, or other officer as aforesaid, a separate return for each shop or place of sale for which he holds a license, showing the quantity of tobacco on hand therein at the beginning of the preceding month, the quantity received during such month, and the persons from whom and the dates on which he received it, and the stock remaining at the close of such month;

and any retail-dealer who refuses or neglects to make such return, or makes a false return, shall be liable to be deprived of his license by the said Commissioner or other officer as aforesaid, and to pay a fine not exceeding two hundred rupees.

Retail dealer to enter in book weight, etc., of tobacco received.

15. Every retail-dealer in tobacco shall, on the same day on which he shall receive any tobacco into any such shop or place of sale, enter in a book to be kept for that purpose, the weight of such tobacco, the day on which he receives the same, and the name of the person from whom, and the place from which, he receives it;

Inspection of book.

and such book shall be open to the inspection of the Commissioner of Customs, Salt and Opium, or other officer as aforesaid, or of any person authorized by the Commissioner or such officer to inspect the same;

and the Commissioner or other officer or person as aforesaid inspecting the said book may make any minute therein, or any extract therefrom, which he shall think fit;

and any retail-dealer who neglects or refuses to comply with the provisions of this section shall, for every offence, be liable to be deprived of his license by the said Commissioner or other officer as aforesaid, and to pay a fine not exceeding two hundred rupees.

Search-warrant.

16. The Commissioner of Customs, Salt and Opium, or other officer as aforesaid, may issue a warrant under his hand and seal to any public officer, commanding him to enter and search between sunrise and sunset any building or place to be specified in the warrant in which tobacco may be deposited under the provisions of this Act, or in which the Commissioner or other officer as aforesaid has been credibly informed, which information shall be taken down in writing, that tobacco is deposited contrary to the provisions of this Act, and to seize and take away from thence any tobacco or other articles subject to confiscation under this Act.

Power to arrest and detain;

to search vehicles, etc.

17. The Commissioner of Customs, Salt and Opium, or other officer as aforesaid, or any public officer authorized by the Commissioner or such officer, may arrest and detain any person carrying or having charge of any tobacco liable to confiscation under this Act, and may detain and search any vessel or package, and any boat or vehicle, containing or conveying, or supposed to contain or convey, any such tobacco.

Confiscation of tobacco illegally imported, removed, etc.

18. All tobacco imported into the said town or removed from one place to another or kept within the said town, or found in the possession of any person in the said town, selling or offering any portion thereof for sale, contrary to the provisions of this Act, and every vessel in which such tobacco is contained, and every vehicle, boat or animal employed with the consent and knowledge of the owner or his servant in conveying the same, shall be liable to confiscation:

Mitigation of penalty.

Provided always that it shall be lawful for the adjudicating officer to mitigate the penalty of confiscation herein provided, by commuting the same to the payment of any fine not exceeding the value of the goods liable to confiscation; and every such fine may be enforced, if necessary, by the sale of the goods liable to confiscation.

Penalty for illegal importation, removal, sale or possession.

Revocation of license.

19. Any person who shall illegally import, remove or sell in the said town any tobacco, or who shall knowingly have in his possession any tobacco subject to confiscation under this Act, shall be liable to a fine not exceeding ten times the value of such tobacco; and, if the offender is a licensed retail-dealer, he shall be liable to be deprived of his license by the Commissioner of Customs, Salt and Opium, or other officer as aforesaid.

Levy of fines, and adjudication and sale of confiscations.

20. All confiscations and fines under this Act may be adjudicated and levied by any Magistrate of Police for the town of Bombay.

Goods adjudged liable to confiscation shall be sold under warrant of the Magistrate.

Interpretation-clause.

21. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the context repugnant to such construction:—

the words "town of Bombay" shall include all places within the islands of Bombay and Kolába;

words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number;

words importing the masculine gender shall include females.

SCHEDULE A.

FORM OF PERMIT[*]

No.

A, B. has been permitted to remove from (Custom-house *or* licensed warehouse *or* shop No. , situated in Kabadevi Street, to warehouse or shop No. in Bazar Street) the undermentioned quantity of tobacco between sunrise and sunset on the day of in the year

(*Signed*) ——— ———

Commissioner of Customs, Salt and Opium.

ACT No. XXII OF 1857.

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3. Constitution of Body Corporate.
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4. Chancellor.
5. Vice-Chancellor.
6. Fellows.
7. Appointment of Fellow may be cancelled.
8. Chancellor, Vice-Chancellor and Fellows to superintend affairs of the University.
   Bye-laws.
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12. Qualification for admission of candidates for degrees.
13. Examination for degrees.
14. Grant of degrees.
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    Annual accounts.

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[*] See section 9, *supra*, p. 91.

ACT No. XXII of 1857.

Received the Governor General's assent on 18th July, 1857.

An Act to establish and incorporate an University at Bombay.

Preamble. WHEREAS, for the better encouragement of Her Majesty's subjects of all classes and denominations within the Presidency of Bombay and other parts of India in the pursuit of a regular and liberal course of education, it has been determined to establish an University at Bombay for the purpose of ascertaining, by means of examination, the persons who have acquired proficiency in different branches of Literature, Science and Art, and of rewarding them by Academical Degrees as evidence of their respective attainments, and marks of honour proportioned thereunto; and whereas, for effectuating the purposes aforesaid, it is expedient that such University should be incorporated;

It is enacted as follows :—[*]

Incorporation. 1. The following persons, namely :—

The Right Honourable JOHN, LORD ELPHINSTONE,
Governor of Bombay ;

The Honourable Sir WILLIAM YARDLEY, Knight,
Chief Justice of the Supreme Court of Judicature at Bombay;

The Right Reverend JOHN HARDING,
Doctor of Divinity, Bishop of Bombay, *ex officio ;*

The Honourable Sir HENRY SOMERSET, Lieutenant-General,
Knight Companion of the Most Honourable Order of the Bath,
Commander-in-Chief of the Forces in Bombay, *ex officio ;*

The Honourable JAMES GRANT LUMSDEN,
Member of the Council of Bombay, *ex officio ;*

The Honourable ARTHUR MALET,
Member of the Council of Bombay, *ex officio ;*

EDWARD IRVINE HOWARD, Esquire,
Director of Public Instruction, *ex officio ;*

ROBERT HAINES, Esquire, M.D.,
Acting Educational Inspector, Presidency Division, *ex officio ;*

C. MOREHEAD, Esquire, M.D.,
Principal of the Grant Medical College, *ex officio ;*

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[*] Words repealed by Act XII of 1876 are omitted.

JOHN HARKNESS, Esquire, LL.D.,
Principal of the Elphinstone College, *ex officio*;

The Reverend JAMES McDOUGALL,
Acting Principal of the Poona College, *ex officio*;

PHILIP WILLIAM LEGEYT, Esquire,
Member of the Legislative Council of India;

The Honourable Sir MATTHEW RICHARD SAUSSE, Knight,
Puisne Judge of the Supreme Court of Judicature at Bombay;

Sir JAMSETJEE JEEJEEBHOY, Knight;

METCALFE LARKEN, Esquire,
Judge of the Sudder Court in Bombay, and President
of the late Board of Education;

JUGGONAUTH SUNKERSETT, Esquire,
Member of the late Board of Education;

BOMANJEE HORMUSJEE, Esquire,
Member of the late Board of Education;

BHAO DAJEE, Esquire,
Graduate of the Grant Medical College,
Member of the late Board of Education;

MATTHEW STOVELL, Esquire,
Surgeon in the Bombay Army,
Secretary to the late Board of Education;

CLAUDIUS JAMES ERSKINE, Esquire,
Civil Service, late Director of Public Instruction;

WILLIAM EDWARD FRERE, Esquire,
Member of the Royal Asiatic Society, and
President of the Bombay Branch of the Royal Asiatic Society,
Judge of the Sudder Court in Bombay;

Major-General CHARLES WADDINGTON,
Companion of the Most Honourable Order of the Bath,
Chief Engineer of Public Works;

The Reverend JOHN WILSON,
Doctor of Divinity, Fellow of the Royal Society,
Honorary President of the Bombay Branch of the Royal Asiatic Society;

The Reverend PHILIP ANDERSON, Master of Arts,
Chaplain on the Bombay Establishment;

HENRY BARTLE EDWARD FRERE, Esquire,
Commissioner in Sindh;
Lieutenant EDWARD FREDERICK TIERNEY FERGUSSON, Indian Navy;
MAHOMED YUSOOF MOORGAY, Kazi of Bombay;
JAMES JOHN BERKLEY, Esquire,
Fellow of the Geographical Society, M.I.C.E.,
President of the Bombay Mechanics' Institution, and
Chief Resident Engineer of the Great Indian Peninsular Railway Company;
HENRY LACON ANDERSON, Esquire,
Secretary to Government;

being the first Chancellor, Vice-Chancellor and Fellows of the said University, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor or Fellows, are hereby constituted and declared to be one Body Politic and Corporate by the name of the University of Bombay; and such Body Politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every Court of Justice within the territories [a] under the Government of [a]India[a].

Power to hold and dispose of property.

2. The said Body Corporate shall be able and capable in law to take, purchase and hold any property, moveable or immoveable, which may become vested in it for the purposes of the said University by virtue of any purchase, grant, testamentary disposition or otherwise; and shall be able and capable in law to grant, demise, alien or otherwise dispose of all or any of the property, moveable or immoveable, belonging to the said University; and also to do all other matters incidental or appertaining to a Body Corporate.

Constitution of Body Corporate.

Senate.

Office vacated by leaving India

3. The said Body Corporate shall consist of one Chancellor, one Vice-Chancellor and such number of *ex officio* and other Fellows as the Governor of Bombay in Council hath already appointed, or shall from time to time by any order published in the Bombay Gazette hereafter appoint; and the Chancellor, Vice-Chancellor and Fellows for the time being shall constitute the Senate of the said University: Provided that, if any person, being Chancellor, Vice-Chancellor or Fellow of the said University, shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

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[a] Words repealed by Act XII of 1891 are omitted.

Chancellor.

4. The Governor of Bombay for the time being shall be the Chancellor of the said University[a].

Vice-Chancellor.

5.[a] The office of Vice-Chancellor shall be held for two years only [a]. Whenever a vacancy shall occur in the office of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time or otherwise, the Governor of Bombay in Council shall, by notification in the Bombay Gazette, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy: Provided that, on any vacancy in the said office which shall occur by effluxion of time, the Governor of Bombay in Council shall have power to re-appoint[a] any future Vice-Chancellor to such office.

Fellows.

6. The Chief Justice of Her Majesty's Supreme Court of Judicature, the Bishop of Bombay, the Members of the Council of Bombay, the Director or Acting Director of Public Instruction, the Educational Inspector or Acting Educational Inspector of the Presidency Division, the Principals and Acting Principals of Government colleges, all for the time being, shall, while filling such offices, be *ex officio* Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than twenty-six; and whenever the number of the said Fellows, exclusive as aforesaid, shall by death, resignation, departure from India or otherwise, be reduced below twenty-six, the Governor of Bombay in Council shall forthwith, by notification in the Bombay Gazette, nominate so many fit and proper persons to be Fellows of the said University as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive as aforesaid, twenty-six. But nothing herein contained shall prevent the Governor of Bombay in Council from nominating more than twenty-six persons to be Fellows of the said University if he shall see fit.

Appointment of Fellow may be cancelled.

7. The Governor of Bombay in Council may cancel the appointment of any person already appointed or hereafter to be appointed a Fellow of the University; and, as soon as such order is notified in the Gazette, the person so appointed shall cease to be a Fellow.

Chancellor, Vice-Chancellor and Fellows to superintend affairs of the University.

8. The Chancellor, Vice-Chancellor and Fellows for the time being shall have the entire management of and superintendence over the affairs, concerns and property of the said University; and, in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor and Fellows to act

[a] Words repealed by Act XII of 1876 are omitted.

in such manner as shall appear to them best calculated to promote the purposes intended by the said University.

Bye-laws.

The said Chancellor, Vice-Chancellor and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law, or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same; and touching the examination for honours and the granting of marks of honour for a higher proficiency in the different branches of Literature, Science and Art; and touching the qualifications of the candidates for degrees, and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor and Fellows; and, in general, touching all other matters whatever regarding the said University.

And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to and shall have received the approval of the Governor of Bombay in Council.

Meetings of the Senate.

9. All questions which shall come before the Chancellor, Vice-Chancellor and Fellows shall be decided at a meeting of the Senate by the majority of the members present; and the Chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least, shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman; and, in the absence of both, a Chairman shall be chosen by the Fellows present, or the major part of them.

Appointment and removal of Examiners and officers.

10. The said Chancellor, Vice-Chancellor and Fellows for the time being shall have full power from time to time to appoint, and as they shall see occasion to remove, all Examiners, officers and servants of the said University.

Power to confer degrees.

11. The said Chancellor, Vice-Chancellor and Fellows shall have power, after examination, to confer the several degrees[a] of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine and

[a] For further power to confer degrees, see Act XLVII of 1860 [in General Acts, 1834-66, Ed. 1867, p. 362], and Act I of 1884 [in General Acts, 1882-84 (Part II), Ed. 1885, p. 386].

Master of Civil Engineering; they shall also have power, after examination, to confer upon the candidates for the said several degrees marks of honour for a high degree of proficiency in the different branches of Literature, Science and Art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

Qualification for admission of candidates for degrees.

12. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine or Master of Civil Engineering, unless he shall present to the said Chancellor, Vice-Chancellor and Fellows a certificate from one of the Institutions authorized in that behalf by the Governor of Bombay in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

Examination for degrees.

13. The said Chancellor, Vice-Chancellor and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination the candidates shall be examined either by Examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice-Chancellor and Fellows, or by other Examiners so to be appointed; and on every such examination the candidates, whether candidates for an ordinary degree or for a degree with honours, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor and Fellows shall appoint.

Grant of degrees.

14. At the conclusion of any examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees, and his proficiency in relation to other candidates; and also the honours which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Bombay and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

Fees.

15. The said Chancellor, Vice-Chancellor and Fellows shall have power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University, and for continuance therein, as they, with the approbation of the Governor of Bombay in Council, shall from time to time see fit to impose. Such fees shall be carried to one General Fee Fund for the payment of expenses of the said University, under the directions and regulations of the Governor of Bombay in Council, to whom the accounts of income and expenditure of the said University shall once in every year be sub-

Annual accounts.

mitted for such examination and audit as the said Governor of Bombay in Council may direct.

ACT No. XXIX OF 1857.

CONTENTS.

PREAMBLE.

SECTIONS.

1 to 3. [*Repealed.*]
4. Customs-stations.
5. Appointment of officers.
Proviso.
6. Government to prescribe roads by which goods may pass.
7. Goods unlawfully passed across frontier after sunset.
8. Written application for permission to pass goods.
9. Misdescription of goods in application.
10. Government to fix value of goods for levying duty.
11. Duty leviable on certain goods according to market-value.
12. Ascertainment of market-value for levy of duty.
13. Exemptions.
14. Certificate of payment of duty.
15. Granting duplicate of lost certificate.
16. Station-officer permitting goods to pass without payment of duty.
17. Vexatious seizure by station-officer.
18. Obstruction of officers.
19. Offering bribes to officers.
20. Adjudication of confiscations, etc.
21. Restoration of forfeited goods.
22. Damages for vexatious seizure.
Penalty in mitigation of confiscation
Rewards to customs-officers.

ACT No. XXIX OF 1857[a].

Received the Governor General's assent on 11th September, 1857.

An Act to make better provision for the collection of land-customs on certain foreign frontiers of the Presidency of Bombay. [b]

Preamble. WHEREAS it is expedient to make better provision for the collection and

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[a] Act XXIX of 1857 has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Province of Sindh—see Appendix, p. xx.

[b] As to levy of such duties, see now s. 5 of the Indian Tariff Act, VIII of 1894.

The unrepealed provisions of Act XXIX of 1857 relating to the levy of duties and to dutiable goods apply, *mutatis mutandis*, to duties levied and goods liable to duty under or by virtue of s. 5, sub-s. (*1*), cl. (*b*), of the Indian Tariff Act, 1894—see s. 8 of Act VIII of 1894.

management of land-customs on certain foreign frontiers of the Presidency of Bombay; It is enacted as follows:—

1. [*Repeal of enactments.*] *Repealed by Act XIV of 1870.*

2. [*Customs-duties.*] *Repealed by Act XIII of 1871.*

3. [*Customs-duties.*] *Repealed by Act XI of 1869.*

Customs-stations.

4. For the levy of duties of customs [a] on goods exported by land to, or imported by land from, such foreign territories, customs-stations may be established at such places as may be determined by the Governor in Council.

Appointment of officers.

5. The Governor in Council may appoint such persons as he may deem fit for the control and supervision of the collection and management of the customs payable under this Act as Commissioners and Deputy Commissioners of Customs, or under such other designation as the said Governor in Council shall determine;

and may appoint all other proper persons to execute the duties of the several subordinate offices necessary to the due management and collection of the said customs: [a]

Proviso.

Provided that no new office shall be created without the previous consent of the Governor General of India in Council.

Government to prescribe roads by which goods may pass.

6. The Governor in Council may prescribe, by public notice in the official Gazette, by what roads and passes goods shall be allowed to pass into or out of any such foreign territory as is described in sections 2 and 3 of this Act;

and, after such notice, goods which may be brought to any station established on other roads or passes than those so prescribed, shall be detained, and shall be liable to confiscation unless the person in charge thereof shall be able to satisfy the adjudicating officer that his carrying them by that road or pass was from ignorance or accident.

Goods unlawfully passed across frontier after sunset.

7. Goods unlawfully passed, or attempted to be passed unlawfully, across any frontier guarded by stations, between sunset and sunrise, shall be seized and confiscated.

Written application for permission to pass goods.

8. When goods are brought to be passed at any station established for the levy of duties and passing of goods, a written application, according to a form to be prescribed by the Commissioner of Customs, shall be made by the owner or person in charge, for permission to pass such goods; and such application

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[a] Portion repealed by Act XVI of 1874 is omitted.

shall contain a true description of the goods, with the marks, numbers and description of the packages containing the same, and a declaration of their value.

If any goods shall be passed or attempted to be passed without such an application in writing as is above described, they shall be liable to be seized and confiscated.

Misdescription of goods in application.

9. Goods brought to be passed at any such station shall be liable to confiscation if the packages in which the same may be contained shall on examination be found not to correspond with the description of them given in the application, or if the contents thereof be found not to have been correctly described in regard to sort, quality or quantity, or if, in or among the packages, any goods not stated in the application be found concealed or mixed up with the specified goods.

Government to fix value of goods for levying duty.

10. The Governor in Council from time to time, by notice in the official Gazette, may fix a value for any article or number of articles liable to duty under this Act upon their value; and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles for the purpose of levying duty on the same under this Act.

Duty leviable on certain goods according to market-value.

11. When goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared [a], are brought to any such station as aforesaid, the duty leviable on such goods shall be levied according to the market-value of such goods.

Ascertainment of market-value for levy of duty.

12. If the value of any goods, upon which duty is leviable according to the market-value thereof, shall appear to be understated in the declaration of value prescribed in section 8, the officer authorized to receive duties of customs at the station where such goods are brought to be passed shall have power to take the goods, or any part thereof, as purchased for the Government at the price so declared; and, whenever he shall so take goods for the Government, payment thereof shall be made for the same within one month from the date of the declaration, and the officer shall sell the goods so taken on account of Government;

and, if they shall realize on sale a sum exceeding all charges incurred on them by Government, a proportion not more than one-half of the excess shall, at the discretion of the Commissioner, be payable to the officer who reported the under-valuation of the goods, who shall in like manner be liable to pay one-half of the nett loss that may accrue on the sale of the said goods.

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[a] Words repealed by Act XII of 1876 are omitted.

Exemptions.

13. No goods [*] liable to duty shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor in Council :

Provided always that any officer authorized to receive duties of customs under this Act may, at his discretion, pass free of duty any passenger's personal baggage in actual use ; and, if any person shall apply to have goods passed as such baggage, such officer, acting under the orders of Government, shall determine whether they be passenger's personal baggage in actual use, or goods subject to duty under the provisions of this Act.

Certificate of payment of duty.

14. When goods are passed at any such station as aforesaid, the officer authorized to receive duties of customs at such station shall grant a certificate of the payment of such duty, or (if the case so require) of the goods having been passed free of duty.

Any officer of customs employed at a station established under this Act may require any person in charge of dutiable goods which have been passed across the frontier to produce the certificate granted for such goods ; and any goods which are unaccompanied by a certificate, or which on examination do not correspond with the specification contained in the certificate produced, shall be detained and shall be liable to confiscation.

Granting duplicate of lost certificate.

15. If a certificate be lost by any person to whom it may have been issued by the officer authorized to issue the same, the Commissioner of Customs or other officer duly authorized in that behalf, on being satisfied that no fraud has been committed or was intended, may grant a duplicate of such lost document upon payment of a fee of not less than one rupee nor exceeding ten rupees.

The Commissioner or other officer as aforesaid may also authorize any amendment to be made in any application made under this Act, but, if such amendment be required after such application is entered and recorded in the custom-house books, then upon payment of a like fee for any amendment in a document so entered.

Station-officer permitting goods to pass without payment of duty.

16. Any station-officer who shall permit goods liable to duty to pass across the frontier without payment of duty, or who shall release any goods not covered by a sufficient certificate, or who shall permit such goods to pass by any road or pass other than the prescribed roads or passes, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six months, or to a fine not exceeding five hundred rupees, or both.

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[*] Words repealed by Act XII of 1876 are omitted.

Vexatious seizure by station-officer

17. Any station-officer who shall needlessly and vexatiously injure goods under the pretence of examination or in the course of his examination, or who shall wrongfully detain goods for which there is produced a sufficient certificate, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six months, or to a fine not exceeding five hundred rupees, or both.

Obstruction of officers.

18. Whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six months, or to a fine not exceeding one thousand rupees, or both.

Offering bribes to officers.

19. Whoever offers a bribe to any officer appointed under this Act, in order to induce such officer to act in a manner inconsistent with his duty, shall be liable for every such offence, on conviction before a Magistrate, to a fine not exceeding one thousand rupees, or to imprisonment for any term not exceeding six months, or both.

Adjudication of confiscations, etc.

20. In all cases in which, under this Act, goods are liable to confiscation, a Commissioner or Deputy Commissioner of Customs appointed under this Act may adjudicate such confiscation, or the same may be adjudged by an Assistant Commissioner of Customs appointed under this Act, being a Justice of the Peace:

Provided that the power to adjudicate confiscation shall not extend as regards an Assistant Commissioner to goods beyond the value of one hundred rupees; and all cases adjudicated by an Assistant Commissioner shall be liable to revision by a Commissioner or Deputy Commissioner of Customs on appeal.

Restoration of forfeited goods.

21. In case any goods shall be seized as liable to confiscation, or detained as under-valued, under this Act, the adjudicating officer may order the same to be restored in such manner and on such terms and conditions as he thinks fit to direct; and, if the owner of the same accept such terms and conditions, he shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the adjudicating officer shall not proceed to condemnation.

Damages for vexatious seizure.

22. Any officer authorized to adjudicate customs-cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, may adjudge damages to be paid to the owner by the officer who made such seizure, beside ordering the immediate release of the goods, and, if the owner accepts such damages, no action shall thereafter lie against such officer in any Court of Justice on account of such seizure;

and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, he may mitigate the same by levying on the goods so seized as aforesaid any portion of the market-value of such goods not less than one-tenth of such value; Penalty in mitigation of confiscation.

and if the said officer adjudges confiscation, or any penalty in mitigation of confiscation, he may order that, from the sale of the goods, or from the proceeds of any penalty inflicted in mitigation of confiscation, a proportion not exceeding, in all cases of seizure except seizures of salt or tobacco, one-half of the sum remaining after payment of all Government demands, shall be distributed in rewards amongst such officers as he deems entitled thereto, and in such proportion as he directs to each respectively. Rewards to customs-officers.

In awarding rewards for the seizure of confiscated salt or tobacco, the said officer may award one-half of the proceeds of sale, without making any deduction on account of Government demands.

ACT No. XLVIII OF 1860.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Construction.
2. Penalty on police-officers taking bribes.
3. Members of police not to resign without leave or notice.
   Penalty.
4 to 6. [*Repealed.*]
7. Penalty for assaulting policeman in execution of duty.
8. [*Repealed.*]
9. Penalty for wilful trespass on property.
10. [*Repealed.*]
11. Penalty for keeping tavern, etc., without license.
12. Licenses by Commissioner of Police for keeping taverns and places of public entertainment.
    Licenses to be granted only to persons who have taken out ábkárí licenses.
    Fees on licenses.
13. Forfeiture of license, and fine on breach of condition of license.
14. Brothels.
15. [*Repealed.*]
16. Taking pledge from child under age of fourteen.
17. [*Repealed.*]
18. Powers of police as to inspection, search and seizure.
19. Penalty for following offences in public streets, etc.,—
    (*1*) furious or negligent driving or riding;

SECTIONS.
(*2*) driving, etc., of elephant or camel;
(*3*) driving vehicle without sufficient light;
(*4*) driving vehicle otherwise than on left side of road;
(*5*) exposing for show, or training horse, or cleaning or repairing conveyance, in place not allowed by Commissioner;
(*6*) letting loose horse, ferocious dog, etc.;
(*7*) negligence in driving cattle;
(*8*) leaving cart, etc., without control;
(*9*) obstructing road or thoroughfare by carriage, etc.;
(*10*) obstructing foot-way;
(*11*) obstructing thoroughfare by boxes, bales of goods, etc.;
(*12*) exposing articles for sale so as to cause obstruction;
(*13*) beating drums, tomtom, etc.;
(*14*) lighting fires, discharging guns, fireworks, etc.;
(*15*) unauthorized illuminations;
(*16*) [*Repealed.*]
(*17*) bathing, etc., in public street or aqueduct;
(*18*) obstructing persons at bathing-places;
(*19*) using indecent language, etc.
20. Commissioner of Police in Bombay to make rules for blasting of rocks.
21. Cruelty to animals.
22. Penalty for drunkenness or riotous or indecent behaviour in public.
23. [*Omitted.*]
24 to 26. [*Repealed.*]
27. Punishment for non-attendance on summons or subpœna.
28. Stray animals to be impounded and sold unless redeemed within ten days.
29. Limitation of actions.
Notice of action.
Plea.
Tender of amends.
Costs.

ACT No. XLVIII OF 1860[a].

Received the Governor General's assent on 26th December, 1860.

An Act to amend Act XIII of 1856 [b] (for regulating the Police of the Towns of *Calcutta, Madras and* Bombay)[c].

Preamble. WHEREAS it is expedient to amend certain provisions of Act XIII of 1856[b]; It is enacted as follows:—

Construction. 1.[d] The following sections shall be read with, and taken as part of, the said Act XIII of 1856[b].

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[a] S. 14 of Act XLVIII of 1860 has been extended, by notification under the Scheduled Districts Act, 1874, to the cities or Karáchi and Hyderabad—see Appendix, pp. xxi and xxii respectively.

Act XLVIII of 1860 was repealed in Calcutta by Ben. Act IV of 1866, and in Madras by Mad. Act VIII of 1867, s. 81. The portions of the Act which are printed in italics without an explanatory note are, or appear to be, obsolete in consequence of these repeals.

[b] Printed *supra*, p. 74.

[c] Words repealed by Act XVI of 1874 are omitted.

[d] Portion repealed by Act XIV of 1870 is omitted.

Penalty on police-officers taking bribes.

2. Whoever, being a member of the police-force, or being employed in any police-office, asks for or takes any bribe or unauthorized reward, may be dismissed by order of the Commissioner, and upon conviction before a Magistrate shall be liable to a fine not exceeding five hundred rupees, or to imprisonment with or without hard labour for any term not exceeding six months.

Members of police not to resign without leave or notice.

[a] **3.** No member of the police-force, to be enrolled under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or unless he shall have given to the Commissioner six months' notice of his intention if a member of the mounted branch of the said force, and two months' notice if a member of any other branch;

Penalty.

and every member of the said force, who shall so resign or withdraw himself without such leave or notice, shall be liable, on the order of the Commissioner, to forfeit all arrears of pay then due to him; and, on the sentence of a Magistrate, if such Magistrate shall think fit, to pay a fine not exceeding fifty rupees, or to be imprisoned with or without hard labour for any term not exceeding two months.

4 to 6. [*Jurisdiction of Police Magistrates and of Bombay Court of Petty Sessions; restitution of stolen property; fines.*] *Repealed by Act IV of 1877.*

Penalty for assaulting policeman in execution of duty.

7. Whoever assaults or resists, or aids or incites any person to assault or resist, any police-officer in the execution of his duty, shall be liable to a fine not exceeding two hundred rupees, or to imprisonment with or without hard labour for any term not exceeding six months; and, if the offender shall at the time of committing the offence be undergoing a former sentence of imprisonment, the imprisonment awarded under this section shall commence and take effect from and after the expiration of such former sentence.

8. [*Escaping from confinement.*] *Repealed by Act IV of 1877.*

Penalty for wilful trespass on property.

9. Whoever, without satisfactory excuse, wilfully trespasses in or on any dwelling-house or premises, or any land or ground attached thereto, not thereby causing any actual damage, or on any ground belonging to Government, or appropriated to public purposes, shall be liable to a fine not exceeding twenty rupees.

10. [*Maintenance of wives and children.*] *Repealed by Act IV of 1877.*

Penalty for

11. *Whoever, in the towns of Calcutta and Madras, has or keeps any*

[a] S. 3 was repealed, as to the Straits Settlement, by Act III of 1863.

keeping tavern, etc., without license.

hotel, tavern, punch-house, ale-house, arrack or toddy shop, or place for the sale or consumption of gánjá, chandu or other preparation of opium, hemp or other intoxicating drug, plant or substance, or any eating-house, coffee-house, boarding-house, lodging house or other place of public resort and entertainment, wherein provisions, liquors or refreshments are sold or consumed (whether the same be kept or retailed therein or procured elsewhere), without a license from the Commissioner of Police; and [a] whoever, in the town of Bombay, has or keeps any such hotel, tavern, shop or place, or who sells by retail in any place any spirituous or fermented liquors without such license, shall be liable to a fine not exceeding fifty rupees for every day that such unlicensed house or place of any kind is kept open, or that such unlicensed sale is continued:

Provided that nothing in this section shall apply to the sale, in reasonable quantities, of any drug, plant or substance in any druggist's or chemist's shop for medicinal purposes only.

Licenses by Commissioner of Police for keeping taverns and places of public entertainment.

[a]12. The Commissioner of Police shall, from time to time, grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid in the said towns, and upon such conditions, to be inserted in every such license, as he, with the sanction of the Local Government, from time to time, shall order, for securing the good behaviour of the keepers of the said houses or places of public resort and entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same; and the said licenses may be granted by the said Commissioner for any term not exceeding one year:

Licenses to be granted only to persons who have taken out ábkárí licenses.

Provided always that it shall not be lawful for the said Commissioner to grant a license to open or establish, or keep open, any house of public entertainment in which any provisions, liquors or refreshments of any kind, or in which any gánjá, chandu or other preparation of opium, hemp or other intoxicating drug, plant or substance, may be sold or consumed, to any person who has not taken out a license for the retail-sale of such articles, if a license be necessary, under the Ábkárí or Excise laws for the time being in force: and any such license granted by the Commissioner shall become void whenever the license necessary under the Ábkárí or Excise laws shall terminate or be recalled.

And every holder of such license may be required by the Commissioner to fix in a conspicuous part of the house or place specified in the license a

[a] So much of ss. 11, 12 and 13 as relates to the sale of spirituous and fermented liquors in the City of Bombay was repealed by Bom. Act IX of 1867.

board, on which shall be legibly painted, in the English and vernacular languages, the name of the holder, and the articles he is licensed to deal in.

Fees on licenses.

For every license granted under this section there shall be levied a fee of one rupee. But such fee shall not interfere with the levy of any fee, tax or duty on licenses to retail spirituous liquors in the Islands of Bombay and Kolába chargeable under Act V of 1842[a].

Forfeiture of license, and fine on breach of condition of license.

[b] **13.** A breach of any of the conditions of a license granted under the last preceding section shall, besides forfeiture of the license, be punishable by a fine not exceeding one hundred rupees, and such fine shall be recovered from the person licensed notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop or place of sale.

Brothels.

[c] **14.** On proof to the satisfaction of the Commissioner of Police, or of a Magistrate, that a house is used as a common brothel, or lodging-house for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, such Commissioner or Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used, and is therefore a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it, and, if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five rupees for every day thereafter that the house shall be so used.

15. [*Common gaming-houses.*] *Repealed by Bom. Act IV of 1887.*

Taking pledge from child under age of fourteen.

16. Whoever takes from any child, apparently under the age of fourteen years, any article whatsoever as a pawn, pledge or security for any sum of money lent or advanced to such child, or, without the knowledge and consent of the owner of the article, buys from such child any article whatsoever, shall be liable to a penalty not exceeding one hundred rupees.

17. [*Standard weights and measures.*] *Repealed by Bom. Act III of 1888.*

Powers of police as to inspection, search and seizure.

[d]**18.** Any officer of police generally or specially deputed to that duty by the Commissioner of Police may, without a warrant, enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

If he finds in such shops or premises any weights, measures or instruments

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[a] Act V of 1842 was repealed by Bom. Act IX of 1867.
[b] See foot-note on last preceding page.
[c] See first para. of foot-note [a] on p. 108, *supra*.
[d] This section was substituted for the original s. 18 by Bom. Act IV of 1882 (printed in Vol III of this Code).

for weighing or measuring which he has reason to believe are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction; and, if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

Penalty for following offences in public streets, etc.—

19. Whoever, within such limits as shall be from time to time defined by the Commissioner of Police with the sanction of the Local Government, in any public street, road, thoroughfare or place of public resort, commits any of the following offences, shall be liable to a fine not exceeding fifty rupees:—

furious or negligent driving or riding;

(*1*) whoever drives or rides any animal, or drives any vehicle, in a manner so rash or negligent as to indicate a want of due regard for the safety of others;

driving, etc., of elephant or camel;

(*2*) whoever drives, rides or leads any elephant or camel without permission from the Commissioner of Police;

driving vehicle without sufficient light;

(*3*) whoever drives any vehicle of any description, at any time between three-quarters of an hour after sunset, and one hour before sunrise, without a sufficient light, except when, in the opinion of the Magistrate, there may be sufficient moonlight to render such light unnecessary;

driving vehicle otherwise than on left side of road;

(*4*) whoever, without reasonable cause, shall drive a carriage, cart or other vehicle otherwise than on the left or near side of the road;

exposing for show, or training horse, or cleaning or repairing conveyance, in place not allowed by Commissioner;

(*5*) whoever exposes for show, hire or sale any horse or other animal, or any carriage, or cleans or dresses any horse or other animal, or cleans any carriage or other conveyance, or makes or repairs any part of any cart or carriage, except in cases of accident where repair on the spot is necessary; or trains or breaks any horse, except in such place and at such times as may be allowed by the Commissioner;

letting loose horse, ferocious dog, etc.;

(*6*) whoever negligently lets loose any horse, or suffers to be at large any ferocious dog without a muzzle, or sets on or urges any dog or other animal to attack, worry or put in fear any person, horse or other animal;

negligence in driving cattle;

(*7*) whoever, by negligence or ill-usage in driving cattle, causes any mischief to be done by such cattle, or in anywise misbehaves himself in the driving, management or care of such cattle, so as to cause mischief or obstruction;

leaving cart, etc., without control;

(*8*) whoever, being in charge of a cart, carriage or horse, leaves it at such a distance as not to have the same under due control;

obstructing road or thoroughfare by carriage, etc.;

(*9*) whoever causes any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading or unloading, except at places lawfully appointed for the purpose; or leaves any cart, carriage or truck, or fastens any horse or other animal, so as to cause any obstruction in any thoroughfare;

(*10*) whoever leads or rides any horse or other animal, or draws or drives any cart, carriage or truck upon any foot-way, or fastens any horse or animal so that it can stand across or upon any foot-way ; obstructing foot-way ;

(*11*) whoever leaves any box, bale of goods or any other thing whatsoever so as to cause obstruction in any thoroughfare ; obstructing thoroughfare by boxes, bales of goods, etc. ;

(*12*) whoever exposes for sale, or sets out in or upon any stall, booth, show-board, cask or basket, or otherwise, any meat, fish, vegetable, fruit, groceries or any other thing whatsoever, so as to cause obstruction in any thoroughfare ; exposing articles for sale so as to cause obstruction ;

(*13*) whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any brass or other metal instrument or utensil, except at such times and places as shall be from time to time allowed by the Commissioner of Police ; beating drums, tom-tom, etc. ;

(*14*) whoever sets fire to or burns any straw or other matter, or lights any bonfire, or wantonly discharges any fire-arm or air-gun, or lets off or throws any fire-work, or sends up any fire-balloon, in or near any public street, road or thoroughfare, except at such times and places as shall from time to time be allowed by the Commissioner of Police ; lighting fires and discharging guns, fire-works, etc. ;

(*15*) whoever, without the consent of the Commissioner of Police, puts up any post or other thing on the side of any public street, for the purpose of affixing thereon lamps to illuminate the street ; unauthorized illuminations ;

(*16*) [*Affixing bills, etc.*] *Repealed by Bom. Act III of 1888.*

(*17*) whoever bathes or washes himself in any public street, or in, upon or by the side of, any public tank, reservoir or aqueduct, not being a place set apart for such purpose ; bathing, etc., in public street or aqueduct ;

(*18*) whoever obstructs or incommodes a person bathing at any place set apart as a bathing-place, by wilful intrusion, or by using such place as a landing-place, or by anchoring or otherwise fastening or keeping boats, or by washing horses, cattle or dogs at or near such place, or in any other way ; obstructing persons at bathing-places ;

(*19*) whoever uses any indecent, threatening, abusive or insulting words, or behaves in a threatening or insulting manner, or posts up or affixes or exhibits any indecent, threatening, abusive or insulting printed, lithographed or written paper or drawing, with the intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned. using indecent language, etc.

20. The Commissioner of Police in Bombay shall, from time to time, subject to the orders of the Local Government, make and publish in the Commissioner of Police in

Bombay to make rules for blasting of rocks.

Government Gazette rules for the blasting of rocks in or near any public road, street, thoroughfare or place, in the Islands of Bombay and Kolába ; and may give licenses for such operations when he shall think fit;

and every person who shall blast any such rocks otherwise than according to the provisions of such rules, or who shall violate any condition of a license granted under this section, shall be liable to a fine not exceeding one hundred rupees.

Cruelty to animals.

21. Whoever cruelly beats, ill-treats, abuses or tortures, or causes or procures to be cruelly beaten, ill-treated, abused or tortured, any animal, shall for every such offence be liable to a fine not exceeding one hundred rupees, and in default thereof to imprisonment, with or without hard labour, for a period not exceeding three months.

Penalty for drunkenness, or riotous or indecent behaviour in public.

22. Whoever is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly or indecent behaviour, in any street or thoroughfare, or in any place of public amusement or resort, and whoever is guilty of any violent, disorderly or indecent behaviour in any police-court, office, station or section-house, shall be liable to a fine not exceeding twenty rupees, or to imprisonment, with or without hard labour, for a term not exceeding fourteen days.

23. [*Registration of passenger-boats in Calcutta and in ports of Straits Settlements.*] *Repealed, as to Calcutta, by Ben. Act IV of 1866.*

24 to 26. [*Fees on summons or subpœna; examination of prisoners as witnesses or defendants; levy of fines.*] *Repealed by Act IV of 1877.*

Punishment for non-attendance on summons or subpœna.

27. When any person shall be served with a summons or subpœna under this Act, and shall fail to attend before the Commissioner *or Magistrate*[a] issuing such summons or subpœna, according to the exigency thereof, he shall be liable to a fine not exceeding twenty rupees for every such offence, and in default of payment to imprisonment for one week if the fine be not sooner paid.

Stray animals to be impounded and sold unless redeemed within ten days.

28. It shall be lawful for all persons, and it is hereby declared to be the special duty of all police-officers, to seize all cattle or other animals found straying upon the roads, streets or thoroughfares, or trespassing on any of the grounds or property of the inhabitants, or of the Government, and to confine such animals in any public pound which shall for such purpose be, from time to time, appointed by the Commissioner of Police;

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[a] These words appear to be obsolete in consequence of the repeals affected by Act IV of 1877.

and, if such animals shall not be respectively redeemed by the owners of the same within ten days after being so pounded, by paying to the person to be appointed by the said Commissioner to have charge of such pound, the fee of eight annas for every goat, sheep or hog, and one rupee for every other animal, together with the expenses of feeding the same while impounded, according to a daily rate to be settled by the said Commissioner, such animals so impounded shall be publicly sold, and the produce of such sale, after paying the said fee, and also the expenses of feeding, shall be paid to the owners of such animal, or, in default of their claiming such produce for the space of fifteen days after such sale, shall be retained by the said Commissioner, and credited to the Police Superannuation Fund [a].

Limitation of actions.

29. *Clause 1.*—All actions and prosecutions against any person, which may be lawfully brought for anything done, or intended to be done, under the provisions of this Act, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in every such action it shall be expressly alleged in the plaint that the act complained of was done maliciously and without reasonable or probable cause; and if at the trial of any such action, upon the general issue being pleaded as hereinafter provided, the plaintiff shall fail to prove such allegation, he shall be non-suited, and a verdict shall be given for the defendant.

Notice of action.

Plea.

Clause 2.—The defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and, though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

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[a] See now Bom. Act I of 1872, s. 3, in Vol. II of this Code.

ACT No. II of 1864.

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ACT No. II OF 1864.

Received the Governor General's assent on 12th February, 1864.

An Act to provide for the administration of civil and criminal justice at Aden[a].

Preamble.

Whereas the administration of civil and criminal justice at Aden is now entrusted to the Resident and in subordination to him to the Assistant Resident[b];

and whereas the criminal law to be administered at Aden is provided for by the Indian Penal Code[c], but the law to be administered at Aden in civil matters and the precise nature of the criminal and civil jurisdiction of the Resident, and the proper course of procedure in his Court, have never been defined, and it is expedient that they should be provided for;

XLV of 1860.

and whereas at present judgments and proceedings of the Resident at Aden are not subject to the superintendence or revision of any Court of Justice,

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[a] As to definition "of Aden," see Reg. II of 1891, s. 2, *infra*, p. 277. See also s. 3 of that Regulation.

[b] Portion repealed by Act XVI of 1891 is omitted. The Court of the Resident at Aden is a Colonial Court of Admiralty—*see* s. 2 of that Act.

[c] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

except so far as they are subject to appeal to Her Majesty in Council, and it is expedient to provide for the superintendence or revision of certain of such judgments and proceedings by the High Court at Bombay;

It is enacted as follows:—

Interpretation.

1. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant thereto, that is to say:—

the word "Resident" denotes the chief civil officer at Aden appointed by the Government, by whatever designation such officer may be called, and includes any Acting Resident or officer acting temporarily as such chief civil officer;

the words "Assistant Resident" denote any officer appointed by the Government to assist the Resident at Aden by whatever designation such officer may be called, and includes an Acting Assistant;

the words "Court of the Resident" include the Court of any Assistant Resident;

Number.

words importing the singular number include the plural number, and words importing the plural number include the singular number;

Gender.

words importing the masculine gender include females.

Civil Jurisdiction.

Administration of civil justice vested in Court of Resident.

2. The administration of civil justice at Aden is hereby declared to be vested in the Court of the Resident.

Resident may try, in first instance, all cases instituted in Court of Resident.

3. The Resident may hear and determine, in the first instance, all cases instituted in the Court of the Resident, of whatever nature and whatever may be the amount or value of the property in dispute.

Cases triable by Assistant Residents.

4. The Assistant Residents shall have power to hear and determine, in the first instance, all cases instituted in the Court of the Resident of whatever nature and whatever may be the amount or value of the property in dispute.

Distribution of cases.

The Resident may from time to time direct in what manner the cases instituted in his Court shall be distributed amongst the Assistant Residents.

Appeal from Assistant Resident to Resident.

5. When any suit which relates to immoveable property, or in which the claim, estimated according to any law for the valuation of claims for the time being in force, shall exceed five hundred rupees in value, is tried in the first instance by an Assistant Resident, an appeal shall lie from his decision to the Resident.

An appeal shall also lie to the Resident from all orders passed by an Assistant Resident in the execution of a decree or other order from which, had the order been passed by a Court subordinate to the Court of a District Judge in the Presidency of Bombay, an appeal would have been allowed to the District Judge, as well as from all orders passed by an Assistant Resident in cases other than suits as defined in the Code of Civil Procedure[*].

XIV of 1882.

Powers of Resident in hearing appeals.

6. For the hearing and determination of appeals from decisions and orders under the last preceding section, the Resident shall (save as herein is otherwise provided) possess and exercise the powers of a District Judge in the Bombay Presidency with reference to the Courts subordinate to him.

Cases in which no appeal from Assistant Resident. Power of revision.

7. No appeal shall lie from the decision of an Assistant Resident in any suit not relating to immoveable property in which the claim estimated as aforesaid shall not exceed five hundred rupees in value; but the Resident may, within the period allowed for appeal in appealable cases, call for any proceedings of the Assistant Resident at any stage thereof, and may pass such orders thereon as he may think fit.

No appeal from Resident.

Reference of question of law, etc., to High Court.

8. No appeal shall lie from any decision or order of the Resident given or made by him, whether in the exercise of his original jurisdiction, or in the exercise of his jurisdiction as a Court of appeal or of revision; but if, in the trial of any suit in which the claim estimated as aforesaid shall not exceed one thousand rupees in value, any question of law or of usage having the force of law or of the construction of a document affecting the merits of the decision shall arise, on which the Resident shall entertain doubts, the Resident may, either of his own motion, or on the application of any of the parties to the suit, draw up a statement of the case and submit it, with his own opinion, for the decision of the High Court of Judicature at Bombay;

and, if in the trial of any suit or the hearing of an appeal in any suit in which the claim, estimated as aforesaid, shall exceed one thousand rupees in value, any question of fact or of law or of usage having the force of law or of the construction of a document affecting the merits of the decision shall arise, the Resident shall, on the application of any of the parties to the suit, or he may of his own motion, draw up a statement of the case and submit it with his own opinion for the decision of the said High Court.

Resident may pass decree contingent

9. The Resident may proceed in the case notwithstanding a reference to the High Court, and may pass a decree contingent upon the opinion of the

[*] This reference should now be read as applying to Act XIV of 1882—see s. 3 of that Act, a revised edition of which, as modified up to 1st July, 1888, has been published by the Legislative Department.

upon opinion of High Court, pending which execution not to

High Court on the point referred; but no execution shall be issued in any case in which a reference shall be made to the High Court, until the receipt of the order of that Court.

Full Bench of High Court to decide cases referred.

10. Cases referred for the opinion of the High Court shall be heard by two or more Judges of that Court. Before giving judgment the High Court may call for and peruse the whole or any part of the proceedings of the Court of the Resident, but shall not be bound so to do.

Parties may appear and be heard in person or by pleader.

11. The parties to the case may appear and be heard in the High Court in person or by a pleader.

Decision of High Court how transmitted.

12. The High Court, when it has heard and considered the case, shall transmit to the Resident a copy of its judgment under the seal of the Court and the signature of the Registrar; and the Resident shall, on the receipt thereof, proceed to dispose of the case conformably to the decision of the High Court.

Costs of reference to High Court.

13. Costs, if any, consequent on the reference of a case for the opinion of the High Court shall be costs in the suit.

Resident to have powers of Small Cause Court.

14. When any suit tried in the first instance by the Resident is of such a nature as to be cognizable under the Provincial Small Cause Courts Act, 1887[a], the Resident shall, in such suit, have all the powers conferred on, and shall be guided by all the provisions applicable to, a Court of Small Causes constituted within the Presidency of Bombay under the said Act or any other Act for the time being in force not being an Act relating to Courts of Small Causes in the Presidency-towns; and every Assistant Resident who shall have been vested by the Governor of Bombay in Council with the powers of a Judge of a Court of Small Causes as defined in the said Provincial Small Cause Courts Act, 1887[a], or any Act passed in supersession thereof, shall have the like powers and be guided by the like provisions in any suit tried by him in the first instance and of a nature cognizable under the said Provincial Small Cause Courts Act, 1887[a], anything in section 5 of this Act contained to the contrary notwithstanding. IX of 1887.

Administration of civil justice according to spirit and

15. In the administration of civil justice, the Court of the Resident shall be guided by the spirit and principles of the Laws and Regulations in force in the Presidency of Bombay, and administered in the Courts of that Presidency

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[a] The reference to Act XLII of 1860 is altered in accordance with Act IX of 1887, s. 2, in General Acts, 1885-88, Ed. 1889, p. 128.

not established by Royal Charter, and in the High Court in the exercise of its jurisdiction as a Court of appeal from those Courts.

principles of Bombay Laws and Regulations.

Civil Procedure.

16. Except as otherwise provided in this Act, the proceedings in suits and cases of every description between party and party brought in the Court of the Resident shall be regulated by the Code of Civil Procedure[a], and by any other Act or Acts in relation to civil procedure in force for the time being.

Code of Civil Procedure applied.

XIV of 1882.

Criminal Jurisdiction.

17. The administration of criminal justice at Aden is hereby declared to be vested in the Court of the Resident, save as is herein otherwise provided.

Administration of criminal justice how vested.

18. The Governor of Bombay in Council may invest any Assistant Resident with the powers of a Magistrate, or of *a subordinate Magistrate of the first or second class*[b] as described in the Code of Criminal Procedure, 1882[c], and such Assistant Resident shall exercise such powers under the said Code, but subject to the provisions of this Act.

Governor of Bombay may give Assistant Residents certain powers.

X of 1882.

19. In every case tried by an Assistant Resident in which the punishment awarded shall be imprisonment for a period exceeding six months with or without fine, or shall be only a fine exceeding five hundred rupees, an appeal shall lie from the sentence of the Assistant Resident to the Resident.

Appeal from Assistant Resident to Resident.

No appeal shall lie from the sentence of an Assistant Resident in any case in which the punishment awarded shall be imprisonment for a period not exceeding six months with or without fine, or shall be only a fine not exceeding five hundred rupees: but the Resident may in all cases, within the period allowed for appeal in appealable cases, call for any proceedings whatever of the Assistant Resident at any stage thereof, and may pass such order thereon as he may think fit.

20. The Resident shall, except as in this Act is otherwise provided, exercise all the powers of a Court of Session as defined in the Code of Criminal Procedure, 1882[c], and he may also, when it shall seem to him proper so to do, exercise the powers of a Magistrate as defined in the said Code, except in cases triable before himself as a Court of Session.

Exercise by Resident of powers of Court of Session and of Magistrate.

X of 1882.

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[a] This reference should now be read as applying to Act XIV of 1882—see s. 3 of that Act, a revised edition of which, as modified up to 1st July, 1888, has been published by the Legislative Department.

[b] Now read "a Magistrate of the second class or a Magistrate of the third class"—see s. 3 of Act X of 1882, a revised edition of which, as modified up to the 15th December, 1888, has been published by the Legislative Department.

[c] The reference to Act XXV of 1861 is altered in accordance with Act X of 1882, s. 3.

As Court of Session, to hold gaol-deliveries.

21. The Resident in the exercise of his powers as a Court of Session shall hold gaol-deliveries at convenient periods, of which due notice shall be given, for the trial of all persons charged with offences punishable under the Indian Penal Code[a], or under any other law in force for the time being, who may be committed to take their trial before him as a Court of Session : XLV of 1860.

Powers of Resident as to trial of European British subjects.

Provided that the Resident shall not have power to try any European British subject charged with an offence punishable with death under the said Code.

Commitments in certain cases ;

The commitment of any European British subject charged with any such offence shall be made to the High Court at Bombay.

in other cases.

In all other cases the commitments made within the limits of the jurisdiction of the Court of the Resident for offences punishable under the Indian Penal Code [a] shall be made to the Court of the Resident.

Commitment and trial of such subjects for offences other than those punishable with death.

22. If any European British subject shall be charged in Aden with any offence (other than an offence punishable with death under the Indian Penal Code[a]), which a Justice of the Peace shall not be competent to punish, and there shall be sufficient grounds for commiting him for trial, such European British subject shall be committed to the Court of the Resident, and shall be tried by the Resident. XLV of 1860.

Criminal Procedure.

Proceedings in criminal cases how regulated.

23. Save as in this Act otherwise provided, the proceedings in all criminal cases of any description brought in any Court in Aden shall be regulated by the Code of Criminal Procedure, 1882[b]. X of 1882.

Trial of European or American by Resident to be by jury.

24. Criminal trials before the Resident as a Court of Session, in which a European (whether a British subject or not) or an American is the accused person or one of the accused persons, shall be by jury, and in such case the jury, if such European or American shall desire it, shall consist of at least one-half Europeans or Americans, if such a jury can be procured.

List of jurors.

25. The Resident shall from time to time prepare and make out in alphabetical order a list of persons residing at Aden who are in the judgment of the Resident qualified from their education and character to serve as jurors.

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] The reference to Act XXV of 1861 is altered in accordance with s. 3 of Act X of 1882, a revised edition of which, as modified up to 15th December, 1888, has been published by the Legislative Department.

The list shall contain the names, places of abode and quality or business of every such person, and shall mention the race to which he belongs.

Publication of list.

26. Copies of such list shall be stuck up in the Court of the Resident, and every such copy shall have subjoined to it a notice stating that objections to the list will be heard and determined by the Resident at a time and place mentioned in the notice.

X of 1882.

Criminal Procedure Code applied to jurors and list.

27. All the provisions of the Code of Criminal Procedure, 1882 [*], as to jurors and the list of jurors shall be applied, so far as the same can be applied, respectively, to jurors and the list of jurors under this Act:

Military men not exempt.

Provided that no person shall be exempt from the liability to serve as a juror on the ground only of his being in the military service:

Provided also that the jurors shall be summoned by the Resident.

Confirmation of sentence of death.

28. If, on any trial, sentence of death shall be passed by the Resident, such sentence shall not be carried into execution until it shall have been confirmed by the High Court at Bombay.

Power to commute.

It shall be lawful for the High Court at Bombay, in any case in which it shall seem proper so to do, to commute a sentence of death to a sentence of transportation for life, or for any shorter period not less than seven years.

No appeal from order of Resident.

29. No appeal shall lie from an order or sentence passed by the Resident in any criminal case.

Power to reserve points for High Court.

But it shall be at the discretion of the Resident to reserve any point or points of law for the opinion of the said High Court.

Review of case by High Court.

30. On such point or points of law being so reserved as in the last preceding section mentioned, or on its being certified by the Advocate-General at Bombay that in his judgment there is an error in the decision of a point or points of law decided by the Resident, or that a point of law decided by the said Resident should be further considered, the said High Court shall have full power and authority to review the case or such part of it as may be necessary, and finally determine such point of law, and thereupon to pass such judgment and sentence as to the said High Court shall seem right.

GENERAL RULES.

High Court

31. The High Court at Bombay shall have power to make and issue

[*] The reference to Act XXV of 1861 is altered in accordance with s. 3 of Act X of 1882, a revised edition of which, as modified up to 15th December, 1888, has been published by the Legislative Department.

may frame rules for Resident's Court.

general rules for regulating the practice and proceedings of the Court of the Resident, and also to frame forms for every proceeding in the said Court for which the said High Court shall think it necessary that a form should be provided, for keeping all books, entries and accounts to be kept by the officers, and for the preparation and submission of any statements to be prepared and submitted by the Court of the Resident, and from time to time to alter any such rule or form: Provided that such rules and forms shall not be inconsistent with the provisions of this Act, or of any other law in force.

ACT No. XXIII OF 1866.

Received the Governor General's assent on 17th May, 1866.

An Act to correct two clerical errors in the Letters Patent for the High Court of Judicature for the Presidency of Bombay.

Preamble.

WHEREAS the twenty-second section of the Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated the 28th December, 1865, is as follows:—"And we do further ordain that the said High Court of Judicature at Bombay shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction, and also in respect of all *such* persons beyond such limits over whom the said High Court of Judicature at *Fort William in Bengal* shall have criminal jurisdiction at the date of the publication of these presents;"

And whereas it is expedient to correct the two clerical errors in such section which are hereinbefore indicated by italics;

It is hereby enacted as follows:—

Clause substituted for section 22 of revised Letters Patent of Bombay High Court.

1. In lieu of the said recited section, the following shall be substituted:—

"And we do further ordain that the said High Court of Judicature at Bombay shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction, and also in respect of all persons beyond such limits over whom the said High Court of Judicature at Bombay shall have criminal jurisdiction at the date of the publication of these presents."

ACT No. V OF 1868.

Received the Governor General's assent on 13th March, 1868.

An Act to enable the Governor of Bombay in Council to delegate to the Commissioner in Sindh certain of the powers of a Local Government.

Power to delegate to Commissioner in Sindh certain powers of Local Government.

1. It shall be lawful for the Governor of Bombay in Council, by a notification published in the Bombay Government Gazette, to delegate to the Commissioner in Sindh all or any of the powers conferred on the said Governor in Council, as the Local Government of the Province of Sindh, by any of the Bombay Regulations, or by any Act of the Governor General of India in Council solely applicable to the Presidency of Bombay, or by any Act passed heretofore or hereafter by the Governor of Bombay in Council, or by any of the Acts of the Governor General of India in Council mentioned in the schedule to this Act.

Power to delegate, with consent of Governor General, to Commissioner in Sindh certain powers of Local Government.

2. It shall be lawful for the Governor of Bombay in Council, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sindh all or any of the powers heretofore or hereafter conferred by any Act of the Governor General of India in Council on the Governor of Bombay in Council as the Local Government of the Province of Sindh.

Validation of acts of Commissioner.

3. All acts done by the Commissioner in Sindh under the authority of any power so delegated shall be as valid as if they had been done by the Governor of Bombay in Council.

SCHEDULE.[a]

XXI of 1879. [b]The Foreign Jurisdiction and Extradition Act, 1879.

X of 1882. [c]The Code of Criminal Procedure, 1882.

VIII of 1878. [d]The Sea Customs Act, 1878.

VII of 1878. [b]Indian Forest Act, 1878.

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[a] The reference to Act XXVI of 1850, repealed by Act XII of 1891, is omitted from this Schedule.

[b] These references were substituted for the original references by Act XII of 1891. (Act XXI of 1879 is printed in General Acts, 1877-81, Ed. 1884, p. 358. For Act VII of 1878 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.

[c] The reference to Act XXV of 1861 is altered in accordance with Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

[d] The reference to Act VI of 1863 is altered in accordance with Act VIII of 1878, s. 2. (For Act VIII of 1878 see the revised edition, as modified up to 1st July, 1891, published by the Legislative Department.)

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SCHEDULE. [*Repealed.*]

ACT No. XIV OF 1869.

Received the Governor General's assent on 19th March, 1869.

An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to the district and other subordinate Civil Courts in the Presidency of Bombay; It is hereby enacted as follows:— Preamble.

PART I.

PRELIMINARY.

1. This Act may be called the Bombay Civil Courts Act, 1869, and Short title.

Extent.

extends only to the territories (other than Sindh[a]) under the government of the Governor of Bombay in Council in which the Code of Civil Procedure[b] is now in force. XIV of 1882.

But the Governor of Bombay in Council may, by notification in the Government Gazette, extend this Act to any other of the territories under such Government in which the said Code [b] is not in force, or to Sindh. [a]

2. [*Repeal of enactments.*] *Repealed by Act XIV of 1870.*

PART II.

DISTRICTS AND SADR STATIONS.

Alteration and creation of districts.

3. The Governor of Bombay in Council may from time to time, by notification in the Government Gazette, alter the limits of existing zilas (which shall hereafter be called districts) and create new districts for the purposes of this Act.

Position of sadr station.

4. The Governor of Bombay in Council may also from time to time, by notification in the Government Gazette, alter the position of the sadr station in any district, and fix the position of the sadr station in any new district.

PART III.

DISTRICT COURTS.

District Judges

5. There shall be in each district a District Court presided over by a Judge to be called the District Judge. He shall be appointed by the Governor of Bombay in Council, by whose authority only he shall be liable to be suspended or removed from his appointment [c].

Situation of District Court.

6. The District Judge shall ordinarily hold the District Court at the sadr station in his district, but may, with the previous sanction of the High Court, hold it elsewhere within the district.

Original jurisdiction of District Court.

7. The District Court shall be the principal Court of original civil jurisdiction in the district, within the meaning of the Code of Civil Procedure [b].

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[a] Ss. 3, 4, 12, 13, 14 to 20, 23, 32, 35 to 37, 40 and 43 of Act XIV of 1869 have been extended, by notifications under the Scheduled Districts Act, 1874, to the Province of Sindh—see Appendix, pp. XXV to XXVIII.

[b] The present Code of Civil Procedure is Act XIV of 1882, a revised edition of which, as modified up to 1st July, 1888, has been published by the Legislative Department.

[c] Portion repealed by Act XII of 1876 is omitted.

Appellate jurisdiction of District Court.

8. Except as provided in sections 16, 17 and 26, the District Court shall be the Court of Appeal from all decrees and orders passed by the subordinate Courts from which an appeal lies under any law for the time being in force.

Control and inspection of Courts.

9. The District Judge shall have general control over all the Civil Courts and their establishments within the district, and it shall be his duty to inspect, or to cause one of his assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such directions with respect to matters not provided for by law as he may think necessary.

The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

Writs and orders.

10. The District Judge shall obey all writs, orders or processes issued to him by the High Court, and shall make such returns or reports thereto under his signature and the seal of the Court as the exigencies of the case require.

Reports and returns.

He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the Governor of Bombay in Council.

Seal of District Judge.

11. The District Judge shall use a circular seal, two inches in diameter, which shall bear thereon the Royal Arms with the following inscription in English and the principal language of the district:— "District Court of ."

PART IV.

JOINT JUDGES.

Power to appoint Joint Judges.

12. The Governor of Bombay in Council may, with the previous sanction of the Governor General of India in Council, appoint in any district a Joint Judge who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court.

When the appointment of a Joint Judge shall have been sanctioned by the Governor General of India in Council, the Governor of Bombay in Council may, so long as such sanction continues in force, appoint a successor to such Joint Judge in case his office becomes vacant, or transfer such Joint Judge from one district to another; and in such other district the Joint Judge so transferred shall have the same powers as he had in the former district.

Enactments.

13. All Regulations and Acts now or hereafter in force and applying to a

applied to Joint Judge. Joint Judge's seal.

District Judge shall be deemed to apply also to the Joint Judge; and the seal of the Joint Judge shall be the same as is used by the District Judge.

PART V.

Assistant Judges.

Power to appoint Assistant Judges.

14. The Governor of Bombay in Council, under the general control of the Governor General of India in Council, may appoint one or more assistants to the District Judge, and may suspend or remove from his appointment any assistant so appointed[a].

Situation of Assistant Judge's Court.

15. An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere within the district, whenever the District Judge shall, with the previous sanction of the High Court, direct him so to do.

Original jurisdiction of Assistant Judge.

16. The District Judge may refer to any Assistant Judge subordinate to him original suits of which the subject-matter does not amount to ten thousand rupees in amount or value, and miscellaneous applications not being of the nature of appeals.

The Assistant Judge shall have jurisdiction to try such suits and to dispose of such applications.

Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge or to the High Court according as the amount or value of the subject-matter does not exceed or exceeds five thousand rupees.[b]

Appellate jurisdiction of Assistant Judge.

17. The Governor of Bombay in Council may, by notification in the Government Gazette, empower any Assistant Judge to try such appeals from the decrees and orders of the subordinate Courts as would lie to the District Judge and as may be referred by him to the Assistant Judge.

Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.

Continuance of Assistant Judge's appellate jurisdiction.

18. A person filling the office of Assistant Judge, on whom the power of hearing appeals has once been conferred under section 17, shall continue to have this power so long and so often as he may fill the office of Assistant Judge, without reference to the district in which he may be employed:

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[a] Portion repealed by Act XII of 1876 is omitted.
[b] Portion repealed by Act VIII of 1890 is omitted.

Provided that the Governor of Bombay in Council may, by notification in the Government Gazette, at any time withdraw such power.

Power to invest Assistant Judge with powers of District Judge.

19. The Governor of Bombay in Council may, by notification in the Government Gazette, invest an Assistant Judge with all or any of the powers of a District Judge within a particular part of a district, and may, by like notification, from time to time determine and alter the limits of such part.

The jurisdiction of an Assistant Judge so invested shall *pro tanto* exclude the jurisdiction of the District Judge from within the said limits.

Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the Governor of Bombay in Council, and may, with the previous sanction of the High Court, hold it at any other place within such limits.

Assistant Judge to use seal of District Judge.

20. Every Assistant Judge shall use the seal of the District Judge to whom he is Assistant.

PART VI.

SUBORDINATE JUDGES.

Number of subordinate Civil Courts.

21. There shall be in each district so many Civil Courts subordinate to the District Court as the Governor of Bombay in Council, acting under the general control of the Governor General of India in Council, shall from time to time direct.

Appointment of Subordinate Judges.

22. The Judges of such subordinate Courts shall be appointed by the Governor of Bombay in Council, and shall be called Subordinate Judges.

No person shall be appointed a Subordinate Judge unless he be a subject of the Queen, who has practised five years as an advocate of a High Court in India or as a vakil in the High Court of Judicature in Bombay, or who has qualified for the duties of a Subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay.

The tests so prescribed by the High Court shall be notified in the Government Gazette.

Power to fix local limits of jurisdiction of Subordinate Judges.

[a]**22A.** The Governor of Bombay in Council may, by notification in the official Gazette, fix, and, by a like notification, from time to time alter, the local limits of the ordinary jurisdiction of the Subordinate Judges.

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[a] S. 22A was inserted by Act IX of 1880, s. 2, printed *infra*, p. 202.

Situation of subordinate Courts.

23. The Subordinate Judges shall hold their Courts at such place or places as the Governor of Bombay in Council may from time to time appoint within the local limits of their respective jurisdictions.

Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the Subordinate Judge shall hold his Court at each of such places, and the Subordinate Judge shall cause such days to be duly notified throughout the local limits of his jurisdiction.

The same person may be the Judge of more than one subordinate Court; and in such cases the District Judge shall, subject to the control of the High Court, prescribe rules for regulating the time during which the Subordinate Judge shall sit in each Court.

The Judge of any subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file.

Classes of Subordinate Judges.

24. The Subordinate Judges shall be of two classes.

Jurisdiction of Subordinate Judge of first class.

The jurisdiction of a Subordinate Judge of the first class extends to all original suits and proceedings of a civil nature.

Jurisdiction of Subordinate Judge of second class.

The jurisdiction of a Subordinate Judge of the second class extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value five thousand rupees.

Special jurisdiction of Subordinate Judge of first class.

25. A Subordinate Judge of the first class, in addition to his ordinary jurisdiction, shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature wherein the subject-matter exceeds five thousand rupees in amount or value as may arise within the local jurisdictions of the Courts in the district presided over by Subordinate Judges of the second class.

In districts to which more than one Subordinate Judge of the first class have been appointed, the District Judge, subject to the orders of the High Court, shall assign to each the local limits within which his said special jurisdiction is to be exercised.

Appeals from his decision.

26. In all suits decided by a Subordinate Judge of the first class in the exercise of his ordinary and special original jurisdiction of which the amount or value of the subject-matter exceeds five thousand rupees, the appeal from his decision shall be direct to the High Court.

Appellate jurisdiction

27. The Governor of Bombay in Council may invest any Subordinate Judge of the first class with power to hear appeals from such decrees and

orders of subordinate Courts as may be referred to him by the Judge of the district. of Subordinate Judge of first class.

Decrees and orders so passed in appeal by a Subordinate Judge of the first class shall have the same force as if passed by a District Judge.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

28. The Governor of Bombay in Council may invest, within such local limits as he shall from time to time appoint, any Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second class with the same jurisdiction up to the amount of fifty rupees. [a] Power to invest Subordinate Judges with small cause powers.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

29. Each Subordinate Judge shall use a seal one inch and-a-half in diameter, bearing the Royal Crown with the following inscription in English and the principal language of the district :—"Subordinate Judge of ." Seal of Subordinate Judge.

30, 31. [*First Subordinate Judges; pending proceedings.*] *Repealed by Act XII of 1876.*

32.[b] No Subordinate Judge or Court of Small Causes shall receive or register a suit in which the Government or any officer of Government in his official capacity is a party, but in every such case such Judge or Court shall refer the plaintiff to the District Judge, in whose Court alone (subject to the provisions of section 19) such suit shall be instituted :[b] Reference of Government suits.

[c] Provided that nothing in this section shall be deemed to apply to any suit merely because—

(*a*) a Municipal Corporation constituted under Bombay Act VI of 1873 [d], or any other enactment for the time being in force, is a party to such suit and an officer of Government is in his official capacity a member of such corporation, or

XIV of 1882. (*b*) an officer of a Court appointed under the Code of Civil Procedure, section 456 [e], last paragraph, [f] is, in virtue of such appointment [f], a party to such suit.

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[a] But see Act XVII of 1879, s. 5 (to be read with section 1), *infra*, p. 176.

[b-b] This paragraph was substituted for the original s. 32 by Act X of 1876, s. 15, printed *infra*, p. 153.

[c] This proviso was added by Act XV of 1880, s. 3, printed *infra*, p. 203.

[d] Printed in Vol. II of this Code.

[e] This reference to s. 456 of Act X of 1877 should now be read as applying to s. 456 of Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[f] Portions repealed by Act XII of 1891 are omitted.

Removal or Suspension.

Commission of enquiry into alleged misconduct.

33. Whenever the High Court is of opinion that there are good grounds for making a formal and public enquiry into the truth of any imputation of misconduct by any Subordinate Judge, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an enquiry, and on the receipt of his or their report may order that the Subordinate Judge be removed or suspended from office, or reduced to a lower class.

The provisions of Act No. XXXVII of 1850[a] (*for regulating enquiries into the behaviour of public servants*) shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

Suspension of Subordinate Judges by High Court; by District Judge.

34. The High Court may suspend any Subordinate Judge from office pending the result of an enquiry into his behaviour under this section.

Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Subordinate Judge under his control. But, whenever the District Judge suspends any such Subordinate Judge, he shall forthwith report the case for the orders of the High Court.

Saving of power of Government to suspend or dismiss.

Nothing in this section or in section 33 shall be held to interfere with the right of Government to suspend, or remove from office, any Subordinate Judge at their discretion.

PART VII.

Temporary Vacancies.

Temporary vacancy of office of District Judge.

35. In the event of the death of the District Judge or of his being prevented from performing his duties by illness or other casualty, or of his absence from his district on leave, the first in rank of the Assistant Judges in the district, or in the absence from the district of an Assistant Judge the first in rank of the Subordinate Judges, shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated Assistant Judge or Subordinate Judge, as the case may be, in charge of the district, and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

[a] Printed, General Acts, 1834-66, Ed. 1887, p. 71.

(Part VII.—Temporary Vacancies. Secs. 36-37. Part VIII.—Ministerial Officers. Secs. 38-40.)

Delegation of powers of District Judge.

36. Any District Judge leaving the sadr station and proceeding on duty to any place within his district may delegate to an Assistant Judge, or in the absence of an Assistant Judge to a Subordinate Judge at the sadr station, the power of performing such of the duties enumerated in section 35 as may be emergent; and such officer shall be designated Assistant or Subordinate Judge, as the case may be, in charge of the sadr station.

Temporary vacancy of office of Subordinate Judge.

37. In the event of the death, suspension or temporary absence of any Subordinate Judge, the District Judge may empower the Judge of any subordinate Court of the same district to perform the duties of the Judge of the vacated subordinate Court, either at the place of such Court or of his own Court; but in every such case the registers and records of the two Courts shall be kept distinct.

PART VIII.

Ministerial Officers.

Appointment, etc., of ministerial officers.

38. All ministerial officers of the Civil Courts in each district shall be appointed, and may be fined, suspended or dismissed, by the District Judge, subject to such rules as the High Court may from time to time prescribe:

Provided that the Judge of every subordinate Court may, subject to the like rules, appoint the ministerial officers of such Court, whose salaries do not exceed rupees ten per mensem, and may by order fine, suspend or dismiss any ministerial officer of such Court who is guilty of any misconduct or neglect in the performance of the duties of his office.

Every such order shall be subject to appeal to the District Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

Duties of ministerial officers.

39. The duties of the said ministerial officers shall be regulated by such rules as the High Court may from time to time prescribe.

Power to appoint clerks of the Courts.

40. The Governor of Bombay in Council may, under the general control of the Governor General of India in Council, appoint to any Civil Court under this Act a clerk of the Court, who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints,

and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

PART IX.

MISCELLANEOUS.

Rules for keeping proceedings.

41. The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted.

Fees for process.

42. The High Court shall from time to time, with the sanction of the Governor of Bombay in Council, prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court.

Tables of the fees so prescribed shall be published in the Government Gazette.

Sittings of Courts.

43. The District and subordinate Courts shall sit from day to day, except on Sundays, New Year's Day, Good Friday, Christmas Day and Her Majesty's Birth-day, and such other days as may be sanctioned for each or every district by the High Court.

Vacation.

The High Court may also permit the Civil Courts under its control to adjourn for a period or periods not exceeding in the whole six weeks in each year.

SCHEDULE.

(ENACTMENTS REPEALED.)

Repealed by Act XIV of 1870.

THE CORONERS ACT, 1871.

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FIRST SCHEDULE.—[*Repealed.*]
SECOND SCHEDULE.—FORM OF INQUISITION.

ACT No. IV OF 1871.

Received the Governor General's assent on 27th January, 1871.

An Act to consolidate and amend the laws relating to Coroners.

Preamble. WHEREAS it is expedient to consolidate and amend the laws relating to Coroners in the Presidency-towns; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. 1. This Act may be called the Coroners Act, 1871.[*]

2. [*Repeal of enactments.*] *Repealed by Act XII of 1873.*

[*] Portions repealed by Acts XVI of 1874 and X of 1881 are omitted.

(Chap. II.—Appointment of Coroners. Secs. 3-7. Chap. III.—Duties and Powers of Coroners. Secs. 8-9.)

CHAPTER II.

APPOINTMENT OF CORONERS.

Coroners of Calcutta and Bombay.

[a] 3. Within the local limits of the ordinary original civil jurisdiction of each of the High Courts of Judicature at Fort William and Bombay there shall be a Coroner. Such Coroners shall be called respectively the Coroner of Calcutta and the Coroner of Bombay.

Their appointment, suspension and removal.

4. Every such officer shall be appointed and may be suspended or removed by the Local Government. [b]

Coroners to be public servants.

5. Every Coroner shall be deemed a public servant within the meaning of the Indian Penal Code. [c]

XLV of 1860.

Power to hold other offices.

6. Any Coroner may hold simultaneously any other office under Government.

7. [*Oath to be taken by Coroner.*] *Repealed by Act X of 1873.*

CHAPTER III.

DUTIES AND POWERS OF CORONERS.

Jurisdiction to enquire into deaths.

8. When a Coroner [d] has reason to believe [d] that the death of any person has been caused by accident, homicide, suicide, or suddenly by means unknown, or that any person being a prisoner has died in prison,

and that the body is lying within the place for which the Coroner is so appointed,

the Coroner shall enquire into the cause of death.

Every such enquiry shall be deemed a judicial proceeding within the meaning of section 193 of the Indian Penal Code[c].

XLV of 1860.

Coroner to be sent for when prisoner dies.

9. Whenever a prisoner dies in a prison situate within the place for which a Coroner is so appointed, the Superintendent of the prison shall send for the Coroner before the body is buried. Any Superintendent failing herein shall on conviction before a Magistrate be punished with fine not exceeding five hundred rupees.

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[a] This section was substituted for the original s. 3 by Act V of 1889, s. 2, printed *infra*, p. 266.

[b] Portion repealed by Act XII of 1891 is omitted.

[c] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[d-d] These words were substituted for the original words by Act X of 1881, s. 5, printed *infra*, p. 203.

Nothing in the former part of this section applies to cases in which the death has been caused by cholera or other epidemic disease.

Power to hold inquests on bodies within local limits wherever cause of death occurred.

10. Whenever an inquest ought to be holden on any body lying dead within the local limits of the jurisdiction of any Coroner, he shall hold such inquest, whether or not the cause of death arose within his jurisdiction.

Power to order body to be disinterred.

11. A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where the first was insufficient.

Summoning jury.

12. On receiving notice of any death mentioned in section 8, the Coroner shall summon five, seven, nine, eleven, thirteen or fifteen respectable persons to appear before him at a time and place to be specified in the summons, for the purpose of enquiring when, how and by what means the deceased came by his death.

Inquest may be on Sunday.

Any inquest under this Act may be held on a Sunday.

Opening Court.

13. When the time arrives, the Coroner shall proceed to the place so specified, open the Court by proclamation, and call over the names of the jurors.

Jurors to be sworn.

14. When a sufficient jury is in attendance, he shall administer an oath to each juror to give a true verdict according to the evidence, and shall then proceed with the jury to view the body.

View of body.

15. The Coroner and the jury shall view and examine the body at the first sitting of the inquest, and the Coroner shall make such observations to the jury as the appearance of the body requires.

Proclamation for witnesses.

16. The Coroner shall then make proclamation for the attendance of witnesses, or, where the enquiry is conducted in secret, shall call in separately such as know anything concerning the death.

Summoning witnesses.

17. [a] It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses; the Coroner shall enquire of such circumstances and the cause of death, and, if before or during the enquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

[a] Any person disobeying such summons shall be deemed to have com-

[a] These clauses were substituted for the original clauses by Act X of 1881, s. 6, printed *infra*, p. 203.

mitted an offence under section 174, section 175 or section 176 of the Indian
XLV of 1860. Penal Code, [a] as the case may be.

For the purpose of causing prisoners to be brought up to give evidence, the Coroner shall be deemed a Criminal Court within the meaning of Act No. XV of 1869 [b] (*to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them*).

Post-mortem examinations.

18. The Coroner may direct the performance of a *post-mortem* examination with or without an analysis of the contents of the stomach or intestines by any medical witness summoned to attend the inquest: and every medical witness, other than the Chemical Examiner to Government, shall be entitled to such reasonable remuneration as the Coroner thinks fit.

Fees to medical witnesses.

Evidence to be on oath. Evidence on behalf of accused.

19. All evidence given under this Act shall be on oath, and the Coroner shall be bound to receive evidence on behalf of the party (if any) accused of causing the death of the deceased person.

Interpreter.

Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the questions put to, and the answers given by, the witnesses.

Questions suggested by jury.

After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and, if the jury wish that any such questions should be put, the Coroner shall put them accordingly.

Coroner to take down evidence in writing.

20. The Coroner shall commit to writing the material parts of the evidence given to the jury, and shall read or cause to be read over such parts to the witness and then procure his signature thereto.

Witnesses to sign depositions.

Any witness refusing so to sign shall be deemed to have committed an
XLV of 1860. offence under section 180 of the Indian Penal Code[a].

Coroner to subscribe depositions.

Every such deposition shall be subscribed by the Coroner.

Coroner a Magistrate.

I of 1872. [c] For the purposes of section 26 of the Indian Evidence Act, 1872 [d], a Coroner shall be deemed to be a Magistrate.

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] Printed, General Acts, 1867-76, Ed. 1887, p 124.

[c] This clause was added by Act X of 1881, s. 7, printed *infra*, p 203.

[d] For Act I of 1872 see the revised edition, as modified up to 1st May, 1891, published by the Legislative Department.

Adjournment of inquest.

21. The Coroner may adjourn the inquest from time to time, and from place to place.

Jurors' recognizances.

Whenever the inquest is adjourned the Coroner shall take the recognizances of the jurors to attend at the time and place appointed, and notify to the witnesses when and where the inquest will be proceeded with.

The amount of such recognizances shall in each case be fixed by the Coroner.

Coroner to sum up to jury.

22. When all the witnesses have been examined the Coroner shall sum up the evidence to the jury, and the jury shall then consider of their verdict.

Coroner to draw up inquisition.

23. When the verdict is delivered the Coroner shall draw up the inquisition according to the finding of the jury, or, when the jury is not unanimous, according to the opinion of the majority.

Contents of inquisition.

24. Every inquisition under this Act shall be signed by the Coroner with his name and style of office and by the jurors, and shall set forth—

(*1*) where, when and before whom the inquisition is holden,

(*2*) who the deceased is,

(*3*) where his body lies,

(*4*) the names of the jurors, and that they present the inquisition upon oath,

(*5*) where, when and by what means the deceased came by his death, and

(*6*) if his death was occasioned by the criminal act of another, who is guilty thereof.

If the name of the deceased be unknown, he may be described as a certain person to the jurors unknown.

Every such inquisitionshall be in the form set forth in the second schedule hereto annexed, with such variation as the circumstances of each case require.

Procedure where verdict amounts to murder, culpable homicide or killing by negligence.

25. When the verdict is that the death has been caused by culpable homicide amounting to murder, or by culpable homicide not amounting to murder, or by a rash or negligent act not amounting to culpable homicide, the Coroner shall bind by recognizance any person knowing or declaring anything material touching such murder, homicide or act to appear at the next criminal sessions at which the trial is to be, then and there to prosecute or give evidence against the party charged.

Coroner to certify and deliver inquisition, depositions and recognizances

The Coroner shall certify and subscribe such recognizances, and shall, immediately after the inquest, deliver them, together with the inquisition and evidence, to the proper officer of the Court in which the trial is to be.

Warrant

26. The Coroner shall also, where the verdict justifies him in so doing, issue

his warrant for the apprehension of the person accused and commit him to prison until he is thence discharged by due course of law, or, if he be already in prison, issue a detainer to the officer in charge of the jail in which he is. against person accused.

27. In cases where the jury has found against any person a verdict of culpable homicide not amounting to murder or of killing by a rash or negligent act not amounting to culpable homicide, the Coroner may, if he thinks fit, accept bail with sufficient sureties for the appearance of such person at the next criminal sessions, and thereupon such person, if in custody of any officer of the Coroner's Court, or in any gaol under a warrant of commitment issued by the Coroner, shall be discharged therefrom. Power to accept bail.

28. When the proceedings are closed, or before, if it be necessary to adjourn the inquest, the Coroner shall give his warrant for the burial of the body on which the inquest has been taken. Warrant for burial.

29. No inquisition found upon or by any inquest shall be quashed for any technical defect. Inquisitions not to be quashed for want of form.

In any case of technical defect, a Judge of the High Court may, if he thinks fit, order the inquisition to be amended, and the same shall forthwith be amended accordingly. Amendment of inquisition.

30. It shall no longer be the duty of the Coroner to enquire whether any person dying by his own act was or was not *felo de se*, to enquire of treasure trove or wrecks, to seize any fugitive's goods, to execute process or to exercise as Coroner any jurisdiction not expressly conferred by this Act. Cessation of jurisdiction as to treasure trove, wrecks, etc.

A *felo de se* shall not forfeit his goods. *Felo de se.*

Deodands are hereby abolished. Deodands.

CHAPTER IV.

CORONERS' JURIES.

31. Whenever any person has been duly summoned to appear as a juror by a Coroner, and fails or neglects to attend at the time and place specified in the summons, the Coroner may cause him to be openly called in his Court three times to appear and serve as a juror; and upon the non-appearance of such person, and proof that such summons has been served upon him, or left at his usual place of abode, may impose such fine upon the defaulter, not exceeding fifty rupees, as to the Coroner seems fit. Fine on juror neglecting to attend.

32. The Coroner shall make out and sign a certificate, containing the Certificate as

to defaulting juror.

name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine so imposed, and the cause of such fine,

and shall send such certificate to one of the Magistrates of the place of which he is the Coroner,

Service of copy of certificate.

and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid and registered.

Levy of fine.

33. Thereupon such Magistrate shall cause the fine to be levied in the same manner as if it had been imposed by himself.

Jurors not to be summoned twice within the year.

34. Unless in case of necessity, no person who has appeared, or has been summoned to appear, as a juror on an inquest, and has not made default, shall, within one year after such appearance or summons, be summoned to appear as a juror under this Act.

Jurors on inquest on prisoner.

35. When an inquest is held on the body of a prisoner dying within a prison, no officer of the prison and no prisoner confined therein shall be a juror on such inquest.

CHAPTER V.

Rights and Liabilities of Coroners.

Coroner's salary.

36. Every Coroner shall be entitled to such salary for the performance of the duty of his office as is prescribed in that behalf by the Governor General in Council.

Disbursements to be repaid.

37. All disbursements duly made by a Coroner for fees to medical witnesses, hire of rooms for the jury and the like, shall be repaid to him by the Local Government.

Power to appoint deputy.

38. Every Coroner may from time to time, with the previous sanction of the Local Government, appoint, by writing under his hand, a proper person to act for him as his deputy in the holding of inquests. [a]

All inquests taken and other acts done by any such deputy, under or by virtue of any such appointment, shall be deemed to be the acts of the Coroner appointing him.

Provided that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause.

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[a] Words repealed by Act X of 1873 are omitted.

Every such appointment may at any time be cancelled and revoked by the Coroner by whom it was made. Revocation of appointment.

39. No Coroner or Deputy Coroner shall be liable to serve as a juror. Exemption from serving on juries.

40. Coroners and Deputy Coroners shall be privileged from arrest while engaged in the discharge of their official duty. Privilege from arrest.

41. Any Coroner or Deputy Coroner failing to comply with the provisions of this Act, or otherwise misconducting himself in the execution of his office, shall be liable to such fine as the Chief Justice of the High Court, upon summary examination and proof of the failure or misconduct, thinks fit to impose. Penalty for failure to comply with Act.

42. No proceeding for anything done under this Act, or for any failure to comply with its provisions, shall be commenced or prosecuted [*] after tender of sufficient amends. Limitation of suits.

FIRST SCHEDULE.

[ENACTMENTS REPEALED.]

Repealed by Act XII of 1873.

SECOND SCHEDULE.

FORM OF INQUISITION.

AN INQUISITION taken at on the day of 187 , before *E F*, Coroner of on view of the body of *A B* then and there lying dead, upon the oath of *G H*, *I J*, *K L*, and *M N*, then and there duly sworn and charged to enquire when, how and by what means the said *AB* came to his death.

We, the said jurors, find unanimously [*or* by a majority of] that the death of the said *A B* was caused, on or about the day of 187 , by [*here state the cause of death as in the following examples*]—

1. *Cases of homicide*] — a blow on the head with a stick inflicted on him by *C D*, under such circumstances that the act of *C D* was justifiable [*or* accidental] homicide.
   — a stab on the heart with a knife inflicted on him by *C D*, under such circumstances that the act of *C D* was culpable homicide not amounting to murder, [*or* culpable homicide amounting to murder, *or* a rash *or* negligent act not amounting to culpable homicide].
2. *Cases of accident*] — falling out of a boat into the river Hughli, whereby he was drowned.
   — a kick from a horse which fractured his skull and ruptured blood-vessels in his head.
3. *Cases of suicide*] — shooting himself through the head with a pistol.
   — arsenic, which he voluntarily administered to himself.
4. *Cases of sudden death by means unknown*] — disease of the heart.
   — apoplexy.
   — sunstroke.

And so say the jurors upon their oath aforesaid.

Witness our hands. *E F, Coroner of*
G H, I J, K L, M N, O P (jurors).

[*] Words repealed by Act IX of 1871 are omitted.

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ACT No. V OF 1872.

Received the Governor General's assent on 28th March, 1872.

An Act to remove doubts as to the jurisdiction of the High Court of Bombay over the Province of Sindh.

Preamble. WHEREAS it is expedient to remove doubts which have arisen as to the jurisdiction of the High Court of Bombay over the Province of Sindh; It is hereby enacted as follows :—

Bar of jurisdiction in Sindh of Bombay High Court. 1. The High Court of Bombay has not, and shall be deemed never to have had, jurisdiction over the Province of Sindh.

Saving of Act II of 1874. [a] 2. Nothing herein contained shall be deemed to affect [b]the Administrator General's Act, 1874[b].

Saving of probates and administrations. [a] 3. Nothing herein contained shall be deemed to invalidate the grant of any probate or letters of administration heretofore or hereafter made by the High Court of Judicature at Bombay, or to affect the rights, powers or duties of any executor or administrator under, or by virtue of, any such probate or letters.

Saving of High Court's criminal jurisdiction. [a] 4. Nothing herein contained shall be deemed to affect the criminal jurisdiction of the said High Court so far as regards European British subjects of Her Majesty.

ACT No. XX OF 1872.

Received the Governor General's assent on 5th September, 1872.

An Act to amend Act No. V of 1872.

Preamble. WHEREAS it is expedient to amend Act No. V of 1872 (*to remove doubts as to the jurisdiction of the High Court of Bombay over the Province of Sindh*); It is hereby enacted as follows :—

Sections added to Act V of 1872. 1. The said Act shall be construed as if the following sections were added thereto :—

[Printed *supra*.]

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[a] Ss. 2, 3 and 4 were added by Act XX of 1872, printed on this page.
[b-b] This reference was substituted for the original reference by Act XII of 1891.

THE BOMBAY REVENUE JURISDICTION ACT, 1876.

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SCHEDULE. [ENACTMENTS REPEALED.] *Repealed.*

THE SECOND SCHEDULE.

ACT No. X OF 1876.

Received the Governor General's assent on 28th March, 1876.

An Act to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the Land-revenue, and for other purposes.

Preamble. WHEREAS in certain parts of the Presidency of Bombay the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the rest of the said Presidency;

and whereas it is expedient that the jurisdiction of all the Civil Courts in the said Presidency should be limited in manner hereinafter appearing;

and whereas it is also expedient to amend the Bombay Civil Courts Act[a], section 32, and to revive certain provisions of the thirteenth section of Regulation XVII of 1827 of the Bombay Code, which was repealed by the Land Improvement Act, 1871[b]; XIV of 1869. XXVI of 1871.

It is hereby enacted as follows :—

Short title. 1. This Act may be called the Bombay Revenue Jurisdiction Act, 1876.

Commencement. So much of section 4 as relates to claims to set aside, on the ground of irregularity, mistake or any other ground except fraud, sales for arrears of land-revenue, shall come into force on such day [c] as the Governor General in Council directs in that behalf by notification in the Gazette of India. The rest of this Act shall come into force on the passing thereof:

Extent. and it shall extend to all the territories for the time being under the Government of the Governor of Bombay in Council, but not so as to affect—

(*a*) any suit regarding the assessment of revenue on land situate in the collectorate of Bombay, or the collection of such revenue;

(*b*) any of the provisions of Bombay Acts V of 1862[d] and VI of 1862 [d], or of [e] Act XXI of 1881[e] or of Act XXIII of 1871 [f];

(*c*) any suit instituted before the passing of this Act.

2. [*Repeal of enactments.*] *Repealed by Act XII of 1891.*

Interpretation-clause. 3. In this Act, unless there be something repugnant in the subject or context,—

"land" includes the sites of villages, towns and cities: it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights-of-way, ferries, fisheries and all other benefits to arise out of land, and things attached to the earth or permanently fastened to things attached to the earth:

"land-revenue" means all sums and payments, in money or in kind, received or claimable by or on behalf of Government from any person on account of any land held by or vested in him, and any cess or rate authorized by Government under the provisions of any law for the time being in force:

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[a] Printed *supra*, p. 133.

[b] Portion repealed by Act IV of 1894 (printed *infra*, p. 267) is omitted.

[c] the 19th September, 1881—see notification No. 197, dated 18th March, 1881, in Gazette of India, 1881, Part I, p. 92.

[d] Printed in Vol. II of this Code.

[e-e] This reference was substituted for the original reference by Act XII of 1891. Act XXI of 1881 is printed *infra*, p. 220.

[f] Printed, General Acts, 1867-76, Ed. 1887, p. 233.

"Revenue-officer" means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith.

Bar of certain suits.

4. Subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any of the following matters:

(*a*) claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognized under Bombay Act No. III of 1874 [a], or any other law for the time being in force, or of any other village-officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order under the same Act or any other law relating to the same subject for the time being in force passed by Government or any officer duly authorized in that behalf, or

claims against Government relating to lands held under treaty, or to lands granted or held as saranjam, or on other political tenure, or to lands declared by Government or any officer duly authorized in that behalf to be held for service;

(*b*) objections—

to the amount or incidence of any assessment of land-revenue authorized by Government, or

to the mode of assessment, or to the principle on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(*c*) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance by Government or any officer duly authorized in that behalf to superior holders or occupants for the recovery of their dues from inferior holders or tenants;

claims to set aside, on account of irregularity, mistake or any other ground except fraud, sales for arrears of land-revenue;

(*d*) claims against Government—

(1) to be entered in the revenue-survey or settlement-records or village papers as liable for the land-revenue, or as superior holder, inferior holder, occupant or tenant, or

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[a] Printed in Vol. II of this Code.

(2) to have any entry made in any record of a revenue-survey or settlement, or

(3) to have any such entry either omitted or amended;

(*e*) the distribution of land or allotment of land-revenue on partition of any estate under Bombay Act IV of 1868[a] or any other law for the time being in force;

(*f*) claims against Government—

to hold land wholly or partially free from payment of land-revenue, or

to receive payments charged on or payable out of the land-revenue, or

to set aside any cess or rate authorized by Government under the provisions of any law for the time being in force, or

respecting the occupation of waste or vacant land belonging to Government;

(*g*) claims regarding boundaries fixed under Bombay Act No. I of 1865 [a], or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks:

Proviso. Provided that if any person claim to hold wholly or partially exempt from payment of land-revenue under—

(*h*) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(*i*) an instrument or sanad given by or by order of the Governor of Bombay in Council under Bombay Act No. II of 1863, section 1, clause first [b], or Bombay Act No. VII of 1863, section 2, clause first [b], or

(*j*) any other written grant by the British Government expressly creating or confirming such exemption, or

(*k*) a judgment by a Court of law, or an adjudication duly passed by a competent officer under Bombay Regulation XVII of 1827 [a], Chapter X, or under Act No. XI of 1852 [c], which declares the particular property in dispute to be exempt;

such claim shall be cognizable in the Civil Courts.

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[a] Bom. Act IV of 1868, Bom. Act I of 1865 (except s. 37), and Bom. Reg. XVII of 1827 are repealed by Bom. Act V of 1879 (printed in Vol. II of this Code) in areas in which the latter Act is in force.

[b] Printed in Vol. II of this Code.

[c] Printed *supra*, p 60

Illustrations to (h).

(1) It is enacted that, in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

(2) It is enacted that, when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

(3) It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a Civil Court.

(4) It is enacted that the Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption, alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(5) It is enacted that assessment shall be fixed with reference to certain considerations and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

Saving of certain suits.

5. Nothing in section 4 shall be held to prevent the Civil Courts from entertaining the following suits:

(*a*) suits against Government to contest the amount claimed, or paid under protest, or recovered, as land-revenue, on the ground that such amount is in excess of the amount authorized in that behalf by Government, or that such amount had, previous to such claim, payment or recovery, been satisfied, in whole or in part, or that the plaintiff, or the person whom he represents, is not the person liable for such amount;

(*b*) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of a revenue-survey or settlement or in any village-papers;

(*c*) suits between superior holders or occupants and inferior holders or tenants regarding the dues claimed or recovered from the latter;

and nothing in section 4, clause (*g*), shall be held to prevent the Civil Courts from entertaining suits, other than suits against Government, for possession of

any land being a whole survey-number or a recognized share of a survey-number;

[a] and nothing in section 4 shall be held to prevent the Civil Courts in the districts mentioned in the second schedule hereto annexed from exercising such jurisdiction as, according to the terms of any law in force on the twenty-eighth day of March, 1876, they could have exercised over claims against Government—

(*a*) relating to any property appertaining to the office of any hereditary officer appointed or recognized under Bombay Act No. III of 1874[b], or any other law for the time being in force, or of any other village-officer or servant:

(*b*) to hold land wholly or partially free from payment of land-revenue:

(*c*) to receive payments charged on, or payable out of, the land-revenue.[a]

Bar of certain suits against Revenue-officers.

6. Revenue-officers shall not be liable to be sued for damages in any Civil Court for any act *bonâ fide* done or ordered to be done by them as such in pursuance of the provisions of any law for the time being in force.

If any Revenue-officer absconds or does not attend when called on by his official superior, and if the Collector of the district proceeds against him or his sureties for public money, papers or property according to the provisions of any law for the time being in force, such Collector shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

Punishment or prosecution of Revenue-officers no bar to civil remedies.

7. Nothing in any law for the time being in force which authorizes the punishment departmentally of any Revenue-officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

8 to 10. [*Suit against Revenue-officers; appeals from their proceedings; power for Local Government to call for record.*] *Repealed by Act XV of 1880.*

Suits not to be entertained unless plaintiff has exhausted right of appeal.

11. No Civil Court shall entertain any suit against Government on account of any act or omission of any Revenue-officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit, it was possible to present.

[a-a] These clauses were added by Act XVI of 1877, printed *infra*, p 162.
[b] Printed in Vol. II of this Code.

Power of Government to refer questions for decision of High Court.

12. If, in the trial or investigation of any suit, claim or objection which, but for the passing of this Act, might have been tried or investigated by a Civil Court, there arises any question on which the Governor General in Council or the Local Government desires to have the decision of the High Court, the Governor General in Council or the Local Government, as the case may be, may cause a statement of the question to be prepared, and may refer such question for the decision of the High Court of Judicature at Bombay.

The said High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the court-house.

The parties to the case may appear and be heard in the High Court in person or by their advocates or pleaders.

The High Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court to the Government by which the reference was made, and, subject to any appeal which may be presented to Her Majesty in Council, the case shall be disposed of conformably to such decision.

If the High Court considers that any such statement is imperfectly framed, the High Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the High Court in each case directs.

Power of Civil Judge to refer questions of jurisdiction to High Court.

13. If in any suit instituted, or in any appeal presented, in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

The High Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the High Court on any such reference shall be subject to appeal to Her Majesty in Council, and, save as aforesaid, shall be final.

Composition of Bench.

14. Every reference under section 12 or section 13 shall be heard by a Bench consisting of such number of Judges, not less than three, as the Chief Justice from time to time directs.

Amendment of section 82, Act XIV of 1869.

15. For section 82 of the Bombay Civil Courts Act, No. XIV of 1869, the following shall be substituted (namely) :—

[Printed *supra*, p. 133.]

Privileges of Government in suits defended by it.

16. Whenever any suit is brought in any District Court against Government,

or against any Revenue-officer, and the Local Government undertakes the defence thereof,

it shall be lawful for the Local Government, by certificate signed by a Secretary thereto, to require—

(*a*) that such suit shall be tried by the District Judge himself, and shall not be transferred for trial to an Assistant Judge; and

(*b*) that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court;

and the Court shall give effect to every such requirement.

The privilege conferred on the Local Government by the clause (*b*) of this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section.

17. [*First clause. Revival of section 13 of Bom. Reg. XVII of 1827.*] *Repealed by Act XV of 1880; but the repeal does not operate in any scheduled district unless and until the Bombay Land-revenue Code (Bom. Act V of 1879) has been extended to such district.*

[*Second clause. Operation of Bom. Reg. XVII of 1827 in sites of villages and towns.*] *Repealed by Act XV of 1880.*

[*Third clause. Recovery of certain advances made by Local Government.*] *Repealed by Act XV of 1880.*

SCHEDULE.

[ENACTMENTS REPEALED.]

Repealed by Act XII of 1891.

THE SECOND SCHEDULE.[a]

The district of Ahmadabad.

The district of Kaira, exclusive of the Pánch Maháls.

The district of Broach.

The district of Surat, exclusive of the lapsed State of Mandví, as described in the schedule annexed to Act X of 1848[b].

The district of Tanna.

The district of Kolába, exclusive of the lapsed State of Kolába mentioned in Act VIII of 1853 [b].

The district of Ratnágiri.

The district of Kanára.

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[a] This schedule was added by Act XVI of 1877, printed *infra*, p. 162. It is referred to in section 5, *supra*, p. 152.

[b-b] Acts X of 1848 and VIII of 1853 were repealed by Act XII of 1891.

ACT No. XV OF 1876.

Received the Governor General's assent on 14th September, 1876.

An Act to amend the law relating to the transfer of Bombay Municipal Debentures, and to provide for their consolidation.

Bom. II of 1865.

WHEREAS, under the Bombay Municipal Act of 1865 [a], the Justices of the Peace for the City of Bombay were empowered to mortgage for the purposes therein mentioned the rates and taxes imposed and levied under that Act; Preamble.

and whereas, by section 255 of the same Act, it was enacted that any person entitled to any such mortgage might transfer his right and interest therein to any other person, and that every such transfer should be by deed duly stamped, wherein the consideration should be truly stated, and that every such transfer might be according to the form in Schedule K to the said Ac annexed or to the like effect;

and whereas, in exercise of the said power, divers mortgages of the said rates and taxes have been made, and the mortgagees have purported to transfer their mortgages to other persons, but such transfers have been by simple endorsement and not by deed duly stamped;

and whereas it is expedient to provide that such transfers may hereafter be made by endorsement, and to confirm the said transfers heretofore made, and to exempt the parties thereto from the penalties which they have incurred by reason of their failure to comply with the provisions of the said section and of the law relating to stamp-duties for the time being in force;

and whereas it is also expedient to provide for consolidating such mortgages in manner hereinafter mentioned and for renewing and sub-dividing mortgages so consolidated;

It is hereby enacted as follows:

Short title.

1. This Act may be called the Bombay Municipal Debentures Act, 1876.

Transfers of debentures to be by endorsement and free from stamp-duty.

2. Every mortgage of rates and taxes, authorized to be made under the said Bombay Municipal Act of 1865 [a], or any subsequent Act, shall be transferable by endorsement on the instrument of mortgage [b].

Bom. II of 1865.

Validation of former.

3. Every transfer of any such mortgage heretofore made by endorsement shall be, and be deemed to have been, as valid as if this Act had been in force

[a] Bom. Act II of 1865 was repealed by Bom. Act III of 1872, which was itself repealed by Bom. Act III of 1888, printed in Vol. II of this Code.

[b] Words repealed by Act I of 1879 are omitted.

transfers by endorsement.

at the date of such transfer; and no stamp-duty shall be, or be deemed to have been, chargeable in respect of any such transfer; and no penalty shall be deemed to have been incurred by reason of any failure to comply with the provisions of the said section 255 or of the law relating to stamp-duties for the time being in force.

Power to consolidate debentures.

4. Any holder of two or more such instruments of mortgage may surrender them to the Municipal Corporation of the City of Bombay, and such Corporation shall accept the same, and shall (on receipt for each such instrument of such fee as the said Corporation may from time to time prescribe) grant to such holder, under the seal of the said Corporation, an instrument of mortgage in which the consideration stated shall be the aggregate amount of the considerations respectively stated in the instrument so surrendered.

Every instrument so granted may be in the form in the schedule hereto annexed or to the like effect.

Power to renew and sub-divide.

5. The said Corporation shall, on the application of the holder of any instrument granted under the said Bombay Municipal Act of 1865 [a] or under this Act, and on receipt of such fees as the said Corporation may from time to time prescribe in this behalf, renew or sub-divide the same. Bom. II of 1865.

THE SCHEDULE ABOVE REFERRED TO.

WHEREAS *A B* of has surrendered to us, the Municipal Corporation of the City of Bombay, mortgages issued under the Bombay Municipal Act of 1865 [b], bearing respectively the following numbers and dates (namely) [*set them out*], and securing sums amounting in the whole to Rs. . In consideration of the premises, we, the said Corporation, do hereby grant and assign unto the said *A B*, his representatives and assigns, such proportion of the rates and taxes comprised in the said mortgages as the said sum of Rs. bears to the whole sum for the time being borrowed upon the credit of the said rates and taxes. TO HOLD to the said *A B*, his representatives and assigns, from this day, until the said sum of Rs. with interest at the rate of per cent. per annum, shall be fully paid and satisfied. Bom. II of 1865.

Given under our corporate seal this day of 187 .

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[a] Bom. Act II of 1865 was repealed by Bom. Act III of 1872, whih was itself repealed by Bom. Act III of 1888, printed in Vol. II of this Code.

ACT No. XX OF 1876.

Received the Governor General's assent on 16th December, 1876.

An Act to give better effect to certain agreements with the Thákur of Bhaunagar.

Preamble.

WHEREAS the villages mentioned in the schedule hereto annexed (hereinafter called the scheduled villages) are the property of the Thákur of Bhaunagar, and were by the Treaty of Bassein, dated the thirty-first day of December, 1802, separated from the Native State or States known as the territory of Káthiáwáḍ and ceded to the British Government;

and whereas, by Regulation VI of 1816 [a] of the Governor of Bombay in Council, the Regulations in force throughout the Presidency of Bombay were extended to the said villages, and such villages thereby became subject to the jurisdiction of the Revenue, Civil and Criminal Courts established in that Presidency;

and whereas the said Thákur of Bhaunagar is also the proprietor of divers villages, forming part of the said territory, and hereinafter called the Káthiáwáḍ villages;

and whereas the British Government have exercised certain powers of government over the said territory, but such territory has never been treated as being British territory, nor as having been vested in the East India Company, nor in Her Majesty the Queen of Great Britain and Ireland and Empress of India, and the said Káthiáwáḍ villages have consequently never been subject to the laws in force in the Presidency of Bombay;

and whereas in the year 1820 the British Government established a Political Agency for the said territory of Káthiáwáḍ;

and whereas in the year 1857 the said Thákur was, by an order of the British Government, invested in respect of the same villages with certain powers of sovereignty limited by and subject to the rules laid down for the government and conduct of the said Káthiáwáḍ Political Agency;

and whereas, for divers reasons of State affecting the welfare of British India, the British Government became desirous of ceding to the Thákur of Bhaunagar the scheduled villages, to be held by him on the same conditions as those on which he holds the Káthiáwáḍ villages, and for that purpose certain agreements were made and certain notifications published which were intended to operate as a cession of the scheduled villages;

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[a] Bom. Reg. VI of 1816 was repealed by Bom Reg I of 1827.

and whereas on the twenty-ninth day of January, 1866, the Governor of Bombay in Council published a notification declaring that, in accordance with the agreement last hereinbefore recited, the scheduled villages were from and after the first day of February, 1866, removed from the jurisdiction of the Revenue, Civil and Criminal Courts of the Bombay Presidency and transferred to the supervision of the said Political Agency in Káthiáwáḍ on the same conditions as to jurisdiction as the said Káthiáwáḍ villages;

and whereas the intention of the said agreements and notifications was that the villages comprised therein should be ceded to and vested in the Thákur of Bhaunagar, to be held by him on the terms on which he holds the Káthiáwáḍ villages;

and whereas ever since the first day of February, 1866, the scheduled villages have been governed according to the intentions of the said agreements, and acts of executive authority have been done, proceedings taken and decrees and sentences passed by the Thákur of Bhaunagar and his officers, and by the officers of the said Political Agency, and by the Courts of Justice appointed to exercise jurisdiction within the limits of the said Political Agency;

and whereas it now appears that such agreements and notifications were not worded so as to express their true intention, and that the scheduled villages did not thereby cease to be British territory, or to be subject to the laws in force in the Presidency of Bombay;

and whereas by a notification dated the fifth day of December, 1876, after reciting to the effect above recited, and reciting that the Secretary of State for India had, on behalf of Her Majesty the Queen of Great Britain and Empress of India, given his sanction to the cession intended to be thereby effected, the Governor General in Council, with the sanction aforesaid, did thereby cede and grant to the said Thákur of Bhaunagar, his heirs and successors, the said scheduled villages, to hold the same unto the said Thákur, his heirs and successors, on the terms and subject to the rules on and subject to which he holds the said Káthiáwáḍ villages; but it was thereby provided that, in case the said Thákur, his heirs or successors, should commit any acts of misgovernment which, in the opinion of the Governor General in Council, rendered it inexpedient that the said Thákur, his heirs and successors, should continue to hold the said scheduled villages, the Governor General in Council might resume the villages thereby ceded and re-annex the same to Her Majesty's dominions;

and whereas it is expedient (so far as relates to any past or future proceedings in British India) to ratify the aforesaid acts, proceedings and sentences of the Thákur of Bhaunagar and the officers and Courts aforesaid, and to

indemnify the said Thákur and officers against any liability in respect thereof and to provide that no title to property shall be disturbed by any act, proceeding or sentence of any other authority;

It is hereby enacted as follows:—

1. This Act may be called the Bhaunagar Act, 1876. Short title.

It extends only to British India; Local extent.

and it shall come into force at once. Commencement.

2. The said scheduled villages shall be deemed to have been, on and after the said first day of February, 1866, excluded from the jurisdiction of the Revenue, Civil and Criminal Courts of the Bombay Presidency. Scheduled villages excluded from jurisdiction of Bombay Courts.

3. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed subsequently to the first day of February, 1866, and which would have been valid if the scheduled villages had been ceded according to the intention of the said agreements and notification, shall be as valid and operative in British India as if such cession had actually been effected; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that the scheduled villages did not cease to be British territory on the first day of February, 1866. Validation of acts done after 1st February, 1866. Bar of suits.

4. Nothing in this Act shall affect any jurisdiction which any Court of Justice in British India may for the time being be entitled to exercise over persons resident or being beyond the limits of British India. Saving of personal jurisdiction of Courts of British India.

SCHEDULE.

Bhaunagar Táluqa.

Bhaunagar.	Málanka.	Háthab.
Wadwá.	Bhutesar.	Khadsuliu.
Ruhá.	Bhumlí.	Bhadbadiu.
Akwárá.	Ratanpur Juná.	Alápur.
Adhiwárá.	Ratanpur Nuwá.	Thalsar.
Tarsamía.	Koliak.	Lákhanka.
Jaspará.	Kobri.	Sultánpur.
Phulsar.	Bhurí.	Wávri.
Karmadiu.	Bhundariu.	Rámpura.
Surká.	Churi.	Bhenswari, Jhánjrá } (*waste*).
Tarak Pálrí.	Sánkrásar.	
Nárí.	Bhádole.	
Budhel.	Nágdhaníba.	

Sihór Táluqa.

Sihór.	Táná.	Ratanpur *near* Táná.
Usrad.	Bordi.	Wadiu.
Agiáli.	Kájáwadar.	Waláwad.

SCHEDULE—*continued.*

Megwadar.	Rájpura.	Surká.
Ghángli.	Khakhriu.	Jámbálu.
Nesra.	Kardej.	Kuchotiu (*waste*).

Chirora (*waste*).

New Villages.

Gundi.	Trápaj.	Píthalpur.
Mándwá.	Bapárá.	Khántari.
Sosiá.	Páuchpíplá.	Deogána.
Paniálí.	Rájpura.	Thordí.

Khadarpur Mitiverdi.

Inám Villages.

Wartej.	Sámpura.	Sodwadra.
Sidhsar.	Phariádku.	Sedhawadar.

Kálví (*waste*).

Dhanduka Pargana.

Pátna Táluqa.

Pátna.	Kánutalao.	Dantretía.
Bharbír.	Ratanwau.	Samandiála.
Chakampur.	Keriá.	Kariáuí.
Sarwui.	Jamrála.	Láthídhar.
Jhinjhawadar.	Ujalwau.	Weláwadar.
Pátí.	Jotingra.	Vírdhi *or* Rájgnar.
Keria *near* Pátí.	Shírthali.	Sajelí.
Bhámbhan.	Dhíkwáli	Oteriá.
Samandeála, 2.	Wajelí.	Sándherá.
Tájpur.	Lundrá.	Nágalpur.

Málpur.

Ranpur Pargana.

Botád Táluqa.

Botád.	Dánkniá.	Kániád.
Hardar.	Khankoí.	Rájpura.
Sírwániu.	Turkhá.	Juriá.

ACT No. XIV OF 1877.

Received the Governor General's assent on 28th June, 1877.

An Act to relieve from incumbrances the estates of Thákurs in Broach and Kaira.

Preamble. Repealed by Act XXI of 1881.

1 to 38. [*Application and preliminary enquiry ; Order of management ; Proof of debts ; Scheme for liquidation ; Proceedings subsequent to sanction of liquidation scheme; Appeal and revision ; Miscellaneous.*] *Repealed by Act XXI of 1881.*

Amendment of Bombay Act VI of 1862.

39. [a] Whereas doubts have been raised as to the validity of Bombay Act No. VI of 1862 [b] (*for the amelioration of the condition of táluqdárs in the Ahmadábád Collectorate, and for their relief from debt*) so far as it purports to affect the High Court of Judicature at Bombay ;

for the purpose of precluding such doubts, it is hereby [a] enacted that the said Act, so far as it purports to affect the said High Court, shall be deemed to be and to have been valid.

Táluqdárí Settlement-officer to be—

XXI of 1881.

40. [c] The Táluqdárí Settlement-officer mentioned in the Broach and Kaira Incumbered Estates Act, 1881, section 7,[c] for the time being shall, unless the Local Government in any case otherwise directs, be—

deemed officer under Bombay Act VI of 1862, section 1;

(*a*) deemed to be an officer appointed under section 1 of the said Bombay Act No. VI of 1862 [b] to manage all estates with respect to which a declaration is or has been made and published under the said section;

assistant to certain Collectors.

(*b*) an assistant to the respective Collectors of Ahmadábád, Kaira and Broach.

Acts of Táluqdárí Settlement-officer valid.

41. Nothing heretofore done by any Táluqdárí Settlement-officer shall be deemed to be or to have been invalid by reason only of his not having been duly appointed,—

(*a*) under section 1 of the said Bombay Act No. VI of 1862 [b] to manage any estates with respect to which a declaration has been made under the said section, or

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[a] The word repealed by Act IV of 1894 (printed *infra*, p. 207. is omitted).

[b] Printed in Vol. II of this Code.

[c, c] These words and figures were substituted for the original words by Act XXI of 1881, s. 2, printed *infra*, p. 220.

(*b*) to be a manager under [a] Act No. XV of 1871 [b], or

(*c*) to be an assistant to the respective Collectors of Ahmadábád, Kaira and Broach.

ACT No. XVI OF 1877.

Received the Governor General's assent on 9th August, 1877.

An Act to amend the Bombay Revenue Jurisdiction Act, 1876.

Preamble

WHEREAS it is expedient to exempt from the operation of the fourth section of the Bombay Revenue Jurisdiction Act, 1876, certain suits instituted in the districts mentioned in the schedule hereto annexed; It is hereby enacted as follows:— X of 1876.

Addition to section 5, Act X of 1876.

1. To section 5 of the said Act the following clause shall be added, namely:—

[Printed *supra*, p. 152]

Schedule added to Act X of 1876.

2. The following schedule shall be added to the said Bombay Revenue Jurisdiction Act, 1876, namely:—

[Printed *supra*, p. 154.]

ACT No. IX OF 1879.

Received the Governor General's assent on 23rd May, 1879.

An Act to amend the law relating to Coast-lights in the eastern part of the Bay of Bengal.

Preamble.

WHEREAS it is expedient to increase the coast-light dues paid under the provisions of Act No. XIII of 1867 [c] (*An Act to provide for the establishment and maintenance of Coast-lights in the eastern part of the Bay of Bengal*) and to render chargeable with coast-light dues certain vessels which are not now so chargeable; It is hereby enacted as follows:—

PRELIMINARY.

Short title.

1. This Act may be called the Burma Coast-lights Act, 1879.

Commencement.

It shall come into force on the first day of July, 1879;

[a] Words repealed by Act IV of 1894 (printed *infra*, p. 267.) are omitted.
[b] Act XV of 1871 was repealed by s. 2 of this Act.
[c] Act XIII of 1867 was repealed by s. 2 of this Act.

and it shall extend to the territories respectively administered by the Governors of Fort St. George and Bombay in Council, the Lieutenant-Governor of Bengal and the Chief Commissioners of British Burma[a] and the Andaman and Nicobar Islands. Local extent.

But nothing herein contained shall apply to any vessel belonging to or in the service of Her Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State.

2. Act No. XIII of 1867 (*to provide for the establishment and maintenance of Coast-lights in the eastern part of the Bay of Bengal*) is hereby repealed. Repeal.

But any appointment made under the said Act shall be deemed to have been made under this Act.

3. In this Act, unless there is something repugnant in the subject or context,— Interpretation-clause.

" Customs-Collector " means a Customs-Collector appointed under the Sea Customs Act, 1878[b], and includes any person appointed by the Local Government by name or in virtue of his office to discharge the functions of a Customs-Collector under this Act at any port: VIII of 1878.

" vessel " includes anything made for the conveyance by water of human beings or of property :

" master," when used in relation to any vessel, means any person (except a pilot or harbour-master) having, for the time being, the charge or control of such vessel :

" voyage " means the whole distance between a vessel's place of departure and her final place of arrival ; but the return of a vessel from any place shall notwithstanding the terms of any charter-party, be deemed a distinct voyage.

Coast-light Dues.

4. For the purpose of establishing and maintaining coast-lights in the eastern part of the Bay of Bengal, a toll, hereinafter called " coast-light dues, " shall be paid in respect of every vessel of the burden of fifty tons and upwards making any voyage mentioned in the schedule hereto annexed, at the rate of one anna and six pie per ton of burden ; Coast-light dues payable in respect of vessels of fifty tons.

Provided that such vessel sails from or enters during the course of, or at

[a] This reference to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s. 4, in Burma Code, Ed. 1889, p. 364. The Chief Commissioner is now Chief Commissioner of Burma—see Proclamation, dated 25th September, 1886, in Gazette of India, 1886, Pt. I, p. 539.

[b] For Act VIII of 1878 see the revised edition, as modified up to 1st July 1891, published by the Legislative Department.

the termination of, any such voyage a port in British India, or takes in, or discharges, cargo off the coast of British India.

Dues when payable.

5. The said coast-light dues shall become due and payable—

(*a*) in the case of a vessel clearing out of a port in British India upon any such voyage—previous to the grant of any port-clearance;

(*b*) in the case of a vessel entering a port in British India in the course, or at the termination, of any such voyage—immediately upon her entering such port:

Provided that the said dues shall not be levied more than once on any vessel in the course of the same voyage.

Power to vary rates of dues.

6. The Governor General in Council may from time to time, by notification in the Gazette of India, reduce or raise the rate of coast-light dues in respect of all vessels or any particular class of vessels:

Proviso.

Provided that such rate shall not in any case exceed the rate fixed by section 4.

Collection of dues. Voucher to be given.

7. The Customs-Collector shall collect the coast-light dues, and shall grant to the person paying the same a voucher in writing under his hand, setting forth the name of his office, the port at which the coast-light dues are paid, the amount so paid, the name, tonnage and other proper description of the vessel in respect of which such payment is made, and the voyage on which she is or has been bound.

Master to report arrival.

8. Within twenty-four hours after the arrival within a port of any vessel chargeable with coast-light dues, the master of such vessel shall give notice of such arrival to the Customs-Collector.

Tonnage of vessel chargeable with coast-light dues how ascertained—

9. In order to ascertain the tonnage of any vessel chargeable with coast-light dues, the following rules shall be observed:—

if registered;

(*a*) If such vessel be a British registered vessel or a vessel registered under Act No. X of 1841[*] or Act No XI of 1850[*], or under any other law for the time being in force for the registration of vessels in India, the Customs-Collector may require the owner or master of such vessel, or any other person having possession of her register, to produce such register for inspection. If any such owner, master or other person neglects or refuses to produce such register, or otherwise to satisfy the Customs-Collector as to what is the true tonnage of the

[*] For Acts X of 1841 and XI of 1850 see the revised edition, as modified up to 1st December, 1893, published by the Legislative Department.

vessel in respect of which such coast-light dues are payable, he shall be punished with fine which may extend to one hundred rupees, and the Customs-Collector may cause such vessel to be measured and the tonnage thereof to be ascertained; and in such case the owner or master of such vessel shall also be liable to pay the expenses of such measurement.

If not registered.

(*b*) If such vessel be not a British registered vessel or a vessel registered under Act No. X of 1841 [*] or Act No. XI of 1850 [*], or under any other law for the time being in force for the registration of vessels in India, and the owner or master thereof fails to satisfy the Customs-Collector as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the Customs-Collector shall cause such vessel to be measured and the tonnage thereof, according to the mode aforesaid, to be ascertained; and in such case the owner or master of such vessel shall be liable to pay the expenses of such measurement.

On refusal to pay dues or expenses, the Collector may distrain and sell.

10. If the master of any vessel refuses or neglects to pay to the Customs-Collector on demand by him the amount of any dues or expenses payable in respect of such vessel, under this Act, the Customs-Collector may distrain or arrest such vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of such dues or expenses is paid;

and in case any part of such dues or expenses, or of the costs of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest so made, the Customs-Collector may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy such dues, expenses and costs (including the costs of sale) remaining unpaid, and shall render the surplus (if any) to the master of such vessel upon demand.

No port-clearance to be granted until dues, etc., are paid.

11. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such port-clearance until her master or some other person has paid, or secured to the satisfaction of such officer, the amount of all dues, expenses and costs with which such vessel is chargeable under this Act, and of any fine to which any person is liable for anything done by him in contravention of this Act.

Master to specify on

12. The master of any vessel departing from or entering any port in Brit-

[*] For Acts X of 1841 and XI of 1850 see the revised edition, as modified up to 1st December, 1893, published by the Legislative Department.

demand voyage on which vessel is bound.

ish India upon, or in the course of, or at the termination of, any voyage, shall, upon the demand of the Customs-Collector, specify upon what voyage she is or has been bound.

Penalty for evading payment of dues, etc.

13. If the master of any vessel evades, or attempts to evade, the payment of any coast-light dues, expenses or costs payable in respect of such vessel under this Act, he shall be punished with fine which may extend to two hundred rupees.

Determination of Disputes under Act.

Magistrate to decide disputes.

14. If any dispute arises as to whether any vessel is chargeable with any coast-light dues, expenses or costs under this Act, or as to the amount of such dues, expenses or costs, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined in the towns of Calcutta, Madras and Bombay by a Presidency Magistrate, and elsewhere by any Magistrate exercising at the place where the dispute arises powers under the Code of Criminal Procedure, 1882 [a], not less than those of a Magistrate of the second class. All decisions under this section shall be final. X of 1882.

Prosecutions under other Laws.

Saving of prosecutions under other laws.

15. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act: Provided that no person shall be punished twice for the same act or omission.

Statement of Receipts and Expenditure.

Statement of receipts and expenditure to be published.

16. The Governor General in Council shall, on or before the first day of October in each year, publish in the Gazette of India a statement showing the amount received on account of coast-light dues during the year ending on the thirty-first day of March last preceding, and the amount expended during the same period on the establishment and maintenance of coast-lights in the eastern part of the Bay of Bengal.

17. (WITH PREAMBLE). [*Amendment of Indian Ports Act, 1875.*] *Repealed by Act X of 1889.*

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[a] The reference to Act X of 1872 is altered in accordance with Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

SCHEDULE.

(*See section 4.*)

1. A voyage to or from Chittagong or any place west of the longitude of Chittagong—	(*a*) from or to any port in British Burma [*] or (*b*) from or to any port in the Andaman and Nicobar Islands or any place east of the longitude of Mergui, by a course passing between the northern extremity of the Andaman Islands and the coast of British Burma[a].
2. A voyage to or from any port in British Burma[a]—	from or to any other port in British Burma[a].
except voyages to or from Maulmain, from or to Tavoy or Mergui, or to or from Tavoy, from or to Mergui.	
3. A voyage to or from Rangoon and any port in British Burma[a] west of the longitude of Rangoon—	from or to any place east of the longitude of Mergui.
4. A voyage to or from any port in British Burma[a] other than Tavoy and Mergui—	from or to any port in the Andaman and Nicobar Islands.

ACT No. XVI OF 1879.

Received the Governor General's assent on 30th September, 1879.

An Act to restrict the transport of Salt by Sea.

WHEREAS it is expedient to restrict the transport of salt by sea in manner hereinafter appearing; It is hereby enacted as follows:— Preamble.

1. This Act may be called the Transport of Salt Act, 1879: Short title.

It extends to the western coast of British India north of Cochin, and to the sea within a distance of a marine league from such coast; Local extent.

and it shall come into force at once. Commencement.

Penalties for carrying salt in certain vessels.

When any salt is carried by sea in any vessel other than a vessel of the burden of three hundred tons and upwards, the owner and master of such vessel shall each be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

3. Nothing in section 2 applies to— Exceptions.

(*a*) salt covered by a permit granted under [b] Chapter V of the Madras Salt Act, 1889, or Chapter V of the Bombay Salt Act, 1890 [c], or the corresponding law for the time being in force in the territories administered by the Governor of Fort St. George in Council or the Governor of Bombay in Council, as the case may be [b]; Mad. IV of 1889. Bom. II of 1890.

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[*] These references to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s. 4, in Burma Code, Ed. 1889, p. 364.

[b.b] These references were substituted for the original references by Act XII of 1891.

[c] Printed in Vol. III of this Code.

(*b*) salt covered by a pass granted by any officer whom the Governor of Bombay in Council may appoint in this behalf;

(*c*) such amount of salt carried on board any vessel for consumption by her crew or by the passengers or animals (if any) on board as the Governor of Bombay in Council may, from time to time, exempt from the operation of section 2.

Power of stoppage, search and arrest.

4. When any officer empowered by the Governor of Bombay in Council, whether by name or office, to act under this section has reason to believe, from personal knowledge or from information taken down in writing, that any salt is being carried, or has within the twenty-four hours next before the requirement first hereinafter mentioned been carried, in any vessel so as to render the owner or master of such vessel liable to the penalties prescribed by section 2, he may require such vessel to be brought-to, and thereupon may—

(*a*) enter and search the same;

(*b*) require the master of such vessel to produce any documents in his possession relating to such vessel or the cargo thereof;

(*c*) seize such vessel if the said officer has reason to believe it liable to confiscation under this Act, and cause it to be brought with its crew and cargo into any port in British India; and

(*d*) where salt is found on board such vessel, search and arrest without a warrant any person on board the same who such officer has reason to believe is punishable under section 2.

Penalties for resisting officer.

5. Any master of a vessel refusing or neglecting to bring-to or to produce his papers when required to do so by an officer acting under section 4,

and any person obstructing any such officer in the performance of his duty,

may be arrested by such officer without a warrant, and shall be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Confiscation of vessel and cargo.

6. Every vessel in which salt is carried so as to render the owner or master of such vessel liable to the penalties prescribed by section 2, the cargo on board such vessel and all salt in respect of which an offence under this Act has been committed shall be liable to confiscation.

The confiscation of any vessel under this section shall include her tackle, apparel and furniture.

Confiscations under this section may be adjudged by the Chief Customs-Authority, or by such other officer as the Local Government may, from time to time, appoint in this behalf.

Whenever any Customs-officer is satisfied that any article is liable to confiscation under this section, he may seize such article, and shall at once report the seizure to his superior officer for the information of the Chief Customs-Authority or such other officer as aforesaid, and such authority or officer may, if satisfied on such report, or after making such enquiry as it or he thinks fit, that the article so seized is liable to confiscation, either declare it to be confiscated or impose a fine in lieu thereof not exceeding the value of the article.

Jurisdiction.

7. For the purpose of the adjudication of penalties under section 2 or section 5, every offence thereunder may be deemed to have been committed within the limits of the jurisdiction of the Magistrate of any place where the offender is found, or to which, if arrested under section 4 or section 5, he may be brought.

Power to exempt from operation of Act.

8. The Governor General in Council may from time to time, by notification in the Gazette of India exempt the carriage of salt within any local limits or in any class of vessels from the operation of this Act, and, by like notification, again subject such carriage to the operation of this Act.

THE DEKKHAN AGRICULTURISTS' RELIEF ACT, 1879.

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ACT No. XVII OF 1879.

Received the Governor General's assent on 29th October, 1879.

An Act for the Relief of Indebted Agriculturists in certain parts of the Dekkhan.

Preamble.

WHEREAS it is expedient to relieve the agricultural classes in certain parts of the Dekkhan from indebtedness; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Dekkhan Agriculturists' Relief Act, 1879[a]:

Commencement.

and it shall come into force on the first day of November, 1879.

Local extent.

[b] This section and [b] sections 11, 56, 60 and 62 extend to the whole of British India. The rest of this Act extends only to the districts of Puna, Satára, Sholapúr and Áhmadnagar, [c] but may, from time to time, be extended wholly or in part by the Local Government, with the previous sanction of the Governor General in Council, to any other district or districts in the Presidency of Bombay.[c]

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[a] Acts XVII of 1879, XXIII of 1881 and XXII of 1882 may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1882—see Act XXII of 1882, s. 1 (*1*), *infra*, p. 258. The Acts of 1879 to 1882 and Act XXIII of 1886 may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886—see Act XXIII of 1886, s. 1 (*1*), *infra*, p. 262.

[b.b] These words were inserted by Act XXIII of 1881, s. 3, printed *infra*, p. 231, and are to be deemed to have always been inserted.

[c.c] These words were added by Act XXII of 1886, s. 3, printed *infra*, p. 262.

Construction.

[a] **2.** In construing this Act, unless there is something repugnant in the subject or context, the following rules shall be observed, namely :—

1st.—"Agriculturist" shall be taken to mean a person who by himself, his servants or tenants earns his livelihood wholly or principally by agriculture carried on within the limits of the said districts, or who ordinarily engages personally in agricultural labour within those limits.

Explanations.—(*a*) An agriculturist who, without any intention of changing his status as such, temporarily ceases to earn his livelihood or to engage personally in agricultural labour as aforesaid does not thereby cease to be an agriculturist within this definition.

(*b*) An assignee of Government assessment or a mortgagee is not as such an agriculturist within this definition.

2nd.—In Chapters II, III, IV and VI, and in section 69, the term "agriculturist," when used with reference to any suit or proceeding, shall be deemed to include also a person who, when any liability incurred by him and forming the subject or part of the subject of that suit or proceeding was so incurred, was an agriculturist as defined in the first rule.

3rd.—An agriculturist shall be deemed to reside where he earns his livelihood or personally engages in agricultural labour as aforesaid.

4th.—"Money" shall be deemed to include agricultural produce, implements and stock.

[b]*5th.*—"Lease" shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease.

[b]*6th.*—"Standing crops" shall be deemed to include garden-produce attached to trees or to the soil.

Jágírdárs, etc., to be deemed Subordinate Judges.

[c] **2A.** Every jágírdár and other authority invested with powers under Bombay Regulation XIII of 1830[d] and Act XV of 1840[e] shall, for the purposes of this Act, be deemed to be a Subordinate Judge of such class as the Local Government may from time to time direct.

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[a] This section (down to clause 4th) was substituted for the original s. 2 by Act XXII of 1882, s. 3, printed *infra*, p. 258.
[b] Clauses 5th and 6th were added by Act XXIII of 1886, s. 4, printed *infra*, p. 262.
[c] S. 2A was inserted by Act XXII of 1882, s. 4, printed *infra*, p. 258.
[d] Printed *supra*, p. 46.
[e] Printed *supra*, p. 59.

CHAPTER II.

OF THE HEARING OF CERTAIN SUITS BY SUBORDINATE JUDGES.

Application this Chapter.

3. The provisions of this Chapter shall apply to—

(*a*) suits for an account, [*]whatever be the amount or value of the subject-matter thereof,[*] instituted on or after the first day of November, 1879, by an agriculturist in the Court of a Subordinate Judge under the provisions hereinafter contained, and

(*b*) suits of the descriptions next hereinafter mentioned and instituted on or after the same date—

(1) when such suits are heard by Subordinate Judges of the first class and the subject-matter thereof does not exceed in amount or value five hundred rupees, or

(2) when such suits are heard by Subordinate Judges of the second class and the subject-matter thereof does not exceed in amount or value one hundred rupees, or

(3) when such suits are heard by Subordinate Judges of the second class and the subject-matter thereof exceeds one hundred rupees, but does not exceed five hundred rupees, in amount or value, and the parties to the suits agree that such provisions shall apply thereto.

The descriptions of suits referred to in clause (*b*) are the following (namely):—

(*w*) suits for the recovery of money alleged to be due to the plaintiff—

on account of money lent or advanced to, or paid for, the defendant, or

as the price of goods sold, or

on an account stated between the plaintiff and defendant, or

on a written or unwritten engagement for the payment of money not hereinbefore provided for;

(*x*) suits for recovery of money due on contracts other than the above and suits for rent or for moveable property, or for the value of such property, or for damages; and

(*y*) suits for foreclosure or for the possession of mortgaged property, or for sale of such property, or for foreclosure and [b] sale, when the defendant, or any one of the defendants, [c] is an agriculturist; and

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[*·*] These words were inserted by Act XXII of 1882, s. 5, printed *infra*, p. 258.

[b] "And" was substituted for "or" by Act XXIII of 1886, s. 5, printed *infra*, p. 262.

[c] Words repealed by Act XXIII of 1881, s. 5, are omitted.

(*z*) suits for the redemption of mortgaged property when the plaintiff, or, where there are several plaintiffs, any one of the plaintiffs, is an agriculturist.

Certain suits to be instituted in Courts of first class Subordinate Judges.

4. Where a Subordinate Judge of the first class and a Subordinate Judge of the second class have ordinary jurisdiction in the same local area, every suit referred to in section 3, clause (*b*), and instituted in such local area shall, if the amount or value of the subject-matter of such suit exceeds one hundred rupees and does not exceed five hundred rupees, be instituted in the Court of the Subordinate Judge of the first class.

Subordinate Judges not to act as Judges of Small Cause Courts.

5. Notwithstanding anything contained in the Bombay Civil Courts Act, 1869, section 28 [a], no Subordinate Judge shall be invested with the jurisdiction of a Judge of a Court of Small Causes; and any such jurisdiction heretofore conferred on any Subordinate Judge shall be deemed, except as regards suits instituted before the said first day of November, 1879, to have been withdrawn. XIV of 1869.

Jurisdiction of Subordinate Judge and Small Cause Court.

6. The Local Government may, from time to time, by notification in the local Gazette, direct that any class of suits which a Subordinate Judge would be precluded from hearing by section 16 of the Provincial Small Cause Courts Act, 1887 [b], shall be heard and determined by him, and not otherwise, and may, by a like notification, cancel any such direction. IX of 1887.

Summons to be for final disposal of suit.

7. In every case in which it seems to the Court possible to dispose of a suit at the first hearing, the summons shall be for the final disposal of the suit.

Court to examine defendant as witness.

In every suit the Court shall examine the defendant as a witness unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do.

Written statements.

8. In suits of the descriptions mentioned in section 3, clauses (*w*) and (*x*), no party shall be entitled without the permission of the Court to file a written statement.

Record of evidence.

9. When the subject-matter of any suit does not exceed ten rupees in amount or value, it shall not be necessary to take down the evidence or make a memorandum thereof in manner provided by the Code of Civil Procedure [c], but, in cases where the evidence is not so taken down and no memorandum is so made, the substance of the evidence shall be stated in the judgment. XIV of 1882.

No appeal to lie.

10. No appeal shall lie from any decree or order passed in any suit to which this Chapter applies.

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[a] Printed *supra*, p. 133.

[b] The reference to s. 12 of Act XI of 1865 is altered in accordance with Act IX of 1887, s. 2, printed, General Acts, 1885-88, Ed. 1889, p. 128.

[c] This reference to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

(Chap. III.—Of Suits and other Proceedings to which Agriculturists are Parties. Secs. 11-12.)

CHAPTER III.

OF SUITS AND OTHER PROCEEDINGS TO WHICH AGRICULTURISTS ARE PARTIES.

Agriculturists to be sued where they reside.

11. Every suit of the description mentioned in section 3, clause (*w*), may, if the defendant, or, when there are several defendants, one only of such defendants, is an agriculturist, be instituted and tried in a Court within the local limits of whose jurisdiction such defendant resides, and not elsewhere.

Every such suit in which there are several defendants who are agriculturists may be instituted and tried in a Court within the local limits of whose jurisdiction any one of such defendants resides, and not elsewhere.

Nothing herein contained shall affect sections 22 to 25 (both inclusive) of the Code of Civil Procedure[a].

XIV of 1882.

History of transactions with agriculturist-debtors to be investigated.

12. In any suit of the description mentioned in section 3, clause (*w*), in which the defendant or any one of the defendants [b] is an agriculturist,

and in any suit of the descriptions mentioned in section 3, clause (*y*) or clause (*z*),

[c] the Court, if the amount of the creditor's claim is disputed, shall examine both the plaintiff and the defendant as witnesses, unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do, and shall enquire [c] into the history and merits of the case, from the commencement of the transactions between the parties and the persons (if any) through whom they claim, out of which the suit has arisen, first, with a view to ascertaining whether there is any defence to the suit on the ground of fraud, mistake, accident, undue influence or otherwise, and, secondly, with a view to taking an account between such parties in manner hereinafter provided.

When the amount of the claim is admitted and the Court, for reasons to be recorded by it in writing, believes that such admission is true and is made by the debtor with a full knowledge of his legal rights as against the creditor, the Court shall not be bound so to enquire, but may do so if it thinks fit.

In other cases in which the amount of the claim is admitted the Court shall be bound to enquire as aforesaid.

Section 9, clause first, of Bombay Regulation V of 1827 [d] is repealed so far as regards any suit to which this section applies.

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[a] This reference to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b] Words repealed by Act XXIII of 1881, s. 5, are omitted.

[c-c] These words were substituted for the original words by Act XXIII of 1886, s. 6, printed *infra*, p. 262.

[d] Printed *supra*, p. 9.

Nothing herein contained shall affect the right of the parties to require that any matter in difference between them be referred to arbitration.

Mode of taking account.

13. When the Court enquires into the history and merits of a case under section 12, it shall—

notwithstanding any agreement between the parties or the persons (if any) through whom they claim, as to allowing compound interest or setting-off the profits of mortgaged property without an account in lieu of interest, or otherwise determining the manner of taking the account,

and notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings and create a new obligation,

open the accounts between the parties from the commencement of the transactions and take that account according to the following rules (that is to say):—

(*a*) separate accounts of principal and interest shall be taken:

(*b*) in the account of principal there shall be debited to the debtor such money as may from time to time have been actually received by him or on his account from the creditor, and the price of goods, if any, sold to him by the creditor as part of the transactions:

(*c*) in the account of principal there shall not be debited to the debtor any money which he may have agreed to pay in contravention of section 257A of the Code of Civil Procedure[*]: XIV of 1882.

(*d*) in the account of principal there shall not be debited to the debtor any accumulated interest which has been converted into principal at any statement or settlement of account or by any contract made in the course of the transactions, unless the Court, for reasons to be recorded by it in writing, deems such debit to be reasonable:

(*e*) in the account of interest there shall be debited to the debtor, monthly, simple interest on the balance of principal for the time being outstanding, at the rate allowed by the Court as hereinafter provided:

(*f*) all money paid by or on account of the debtor to the creditor or on his account, and all profits, service or other advantages of every description, received by the creditor in the course of the transactions (estimated, if necessary, at such money-value as the Court in its discretion, or with the aid of arbitrators appointed by it, may determine),

[*] This reference to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

shall be credited first in the account of interest; and, when any payment is more than sufficient to discharge the balance of interest due at the time it is made, the residue of such payment shall be credited to the debtor in the account of principal:

(*g*) the accounts of principal and interest shall be made up to the date of instituting the suit, and the aggregate of the balances (if any) appearing due on both such accounts against the debtor on that date shall be deemed to be the amount due at that date, except when the balance appearing due on the interest-account exceeds that appearing due on the principal-account, in which case double the latter balance shall be deemed to be the amount then due.

Interest to be allowed.

14. The interest to be awarded in taking an account according to the rules set forth in section 13 shall be—

(*a*) the rate, if any, agreed upon between the parties, or the persons (if any) through whom they claim, unless such rate is deemed by the Court to be unreasonable; or,

(*b*) if such rate is deemed by the Court unreasonable, or if no rate was agreed upon, or, when any agreement between the parties, or the persons (if any) through whom they claim, to set-off profits without an account in lieu of interest has been set aside by the Court, such rate as the Court deems reasonable.

Reference to arbitration in certain cases.

15. Instead of enquiring into the history and merits of a case under section 12, or if upon so enquiring the Court is unable to satisfy itself as to the amount which should be allowed on account of principal or interest or both, the Court may, of its own motion, direct that such amount be ascertained by arbitration.

If the parties are willing to nominate arbitrators, the arbitrators shall be nominated by them in such manner as may be agreed upon between them: if the parties are unwilling to nominate arbitrators or cannot agree in respect of such nomination, the Court shall appoint any three persons it thinks fit:

Provided that if all the parties reside in the same village, town or city, and, in the opinion of the Court, three fit persons can be found among the residents of such village, town or city, it shall appoint residents of such village, town or city.

The provisions of sections 508 to 522 (both inclusive) of the Code of

Civil Procedure[a] shall apply to every reference to arbitration under this section. XIV of 1882.

Mortgagor entitled to decree for redemption though time fixed by mortgage has not arrived or debt has not been paid.

[b]**15A.** In a suit of the description mentioned in section 3, clause (*z*), the Court shall not refuse to pass a decree for redemption merely on the ground that the time fixed for the payment of the principal of the mortgage-money has not arrived, or on the ground that the mortgage-debt has not been completely discharged, or on both.

Power to order payment by instalments in case of decree for redemption, foreclosure or sale.

[b]**15B.** (*1*) The Court may in its discretion in passing a decree for redemption, foreclosure or sale in any suit of the descriptions mentioned in section 3, clause (*y*) or clause (*z*), or in the course of any proceedings under a decree for redemption, foreclosure or sale passed in any such suit, whether before or after this Act comes into force, direct that any amount payable by the mortgagor under that decree shall be payable in such instalments, on such dates and on such terms as to the payment of interest, and, where the mortgagee is in possession, as to the appropriation of the profits and accounting therefor, as it thinks fit.

(*2*) If a sum payable under any such direction is not paid when due, the Court shall, except for reasons to be recorded by it in writing, instead of making an order for the sale of the entire property mortgaged or for foreclosure, order the sale of such portion only of the property as it may think necessary for the realization of that sum.

Power to order payment by instalments in suits for possession of mortgaged property.

[b]**15C.** (*1*) The Court may, if it thinks fit, in any suit for the possession of mortgaged property under section 3, clause (*y*), instead of passing a decree for possession of that property, pass a decree directing that the amount payable by the mortgagor shall be payable in such instalments, on such dates and on such terms as to the payment of interest, and as to the appropriation of the profits and accounting therefor, as it thinks fit.

(*2*) If a sum payable under any such direction is not paid when due, the Court may, if it thinks fit, instead of making any other order which it is empowered to make for the realization of that sum, make an order directing that the mortgagee be put in possession of the whole or any portion of the property mortgaged.

Mortgagor

[b] **15D.** (*1*) Any agriculturist whose property is mortgaged may sue for

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[a] This reference to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b] Ss. 15A to 15D were inserted by Act XXII of 1882, s. 6, printed *infra*, p. 258.

an account of the amount of principal and interest remaining unpaid on the mortgage and for a decree declaring that amount. may sue for account.

(*2*) When any such suit is brought, the amount (if any) remaining unpaid shall be determined under the same rules as would be applicable under this Act if the mortgagee had sued for the recovery of the debt.

(*3*) At any time before the decree in the suit is signed, the plaintiff may apply to the Court to pass a decree for the redemption of the mortgage, or the mortgagee, if he would then have been entitled to sue for foreclosure or sale, may apply to the Court to pass a decree for foreclosure or sale (as the case may be), instead of a decree merely declaring the amount remaining unpaid, and the Court may, if it thinks fit, grant the application.

(*4*) The provisions of section 15B shall apply to any decree passed under sub-section (*3*).

16. Any agriculturist may sue for an account of money lent or advanced to or paid for him by a creditor, or due by him to the creditor as the price for goods sold, or on a written or unwritten engagement for the payment of money, and of money paid by him to the creditor, and for a decree declaring the amount, if any, still payable by him to the creditor. Agriculturist-debtors may sue for accounts.

When any such suit is brought, the amount (if any) payable by the plaintiff shall be determined under the same rules as would be applicable under this Act if the creditor had sued him for recovery of the debt. Amount of debts in such cases to be determined according to foregoing provisions.

17. A decree passed under section 16 may, besides declaring the amount due, direct that such amount shall be paid by instalments, with or without interest; and, when any such decree so directs, the plaintiff may pay the amount of such decree, or the amount of each instalment fixed by such decree as it falls due, into Court, in default whereof execution of the decree may be enforced by the defendant in the same manner as if he had obtained a decree in a suit to recover the debt. Decree under section 16 may provide for payment by instalments. Execution of decrees under this section.

18. The plaintiff in any suit instituted under section 16 may at any stage of such suit deposit in Court such sum of money as he considers a satisfaction in full of the defendant's claim against him. Payment into Court in cases under section 16.

Notice of the deposit shall be given by the Court to the defendant, and the amount of the deposit shall (unless the Court otherwise directs) be paid to the defendant on his application.

No interest shall be allowed to the defendant on any sum so deposited from

the date of the receipt of such notice, whether the sum deposited be in full of the claim or fall short thereof.

Power to discharge judgment-debtor.

19. When a decree has been passed, whether before or after this Act comes into force, under which any sum less than fifty rupees is recoverable from an agriculturist, the Court, [a]on application or of its own motion,[a] may, either in the course of execution of such decree or otherwise, if it is satisfied that [b]the other debts (if any) due by him do not, taken together with such sum, amount to fifty rupees,[b] and that he is unable to pay the whole of such sum, direct the payment of such portion of the same as it considers him able to pay, and grant him a discharge from the balance [c]of such sum[c].

Power to direct institution of insolvency proceedings.

When the sum payable under the decree amounts to fifty rupees or upwards, or when there are other debts due by the debtor which, together with such sum amount to fifty rupees or upwards, the Court, [a]on application or of its own motion,[a] may direct proceedings to be taken with respect to him as nearly as may be as if he had applied to be declared an insolvent under the provisions hereinafter contained.

Power to fix instalments in execution.

20. The Court may at any time direct that the amount of any decree passed, whether before or after this Act comes into force, against an agriculturist, or the portion of the same which it directs under section 19 to be paid, shall be paid by instalments with or without interest.

Arrest and imprisonment in execution of decree for money abolished.

21. No agriculturist shall be arrested or imprisoned in execution of a decree for money [d]passed whether before or after this Act comes into force[d].

Immoveable property exempted from attachment and sale unless specifically pledged.

22. [e]Immoveable property belonging to an agriculturist, other than his standing crops, shall not be attached or sold[e] in execution of any decree or order [f]passed whether before or after this Act comes into force,[f] unless it has been specifically mortgaged for the repayment of the debt to which such decree or order relates, and the security still subsists.

But the Court, [g]on application or of its own motion,[g] may, when

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[a-a] These words were inserted by Act XXII of 1882, s. 7, printed *infra*, p. 258.
[b-b] These words were substituted for the original words by Act XXIII of 1881, s. 6, printed *infra*, p 231.
[c-c] These words were added by Act XXIII of 1881, s. 6.
[d-d] These words were added by Act XXII of 1882, s. 8.
[e-e] These words were substituted for the original words by Act XXIII of 1886, s. 7, printed *infra*, p. 262.
[f-f] These words were inserted by Act XXII of 1882, s. 9 (*1*), printed *infra*, p. 258.
[g-g] These words were inserted by Act XXII of 1882, s. 9 (*2*).

passing a decree against an agriculturist or [a]in the course of any proceedings under a decree against an agriculturist passed whether before or after this Act comes into force,[a] direct the Collector to take possession, for any period not exceeding seven years, of any such property of the judgment-debtor to the possession of which he is entitled, and which, in the opinion of the Collector, is not required for his support and the support of the members of his family dependent on him, and the Collector shall thereupon take possession of such property and deal with the same for the benefit of the decree-holder in manner provided by section 29.

The provisions of section 31 shall, *mutatis mutandis*, apply to any property so dealt with.

Chapter not to apply to Village-Munsifs' Courts.

23. No provision of this Chapter shall apply to the proceedings in the Courts of Village-Munsifs unless such provision has been specially extended thereto under the power hereinafter conferred.

CHAPTER IV.

Of Insolvency.

Subordinate Judges to have jurisdiction in agriculturists' cases.

24. Every Subordinate Judge shall have the powers conferred by sections 344 to 359 (both inclusive) of the Code of Civil Procedure[b], as modified by the provisions next hereinafter contained, for the purpose of dealing with applications under the Code of Civil Procedure [b]or under this Act to have agriculturists residing within the local limits of his ordinary jurisdiction declared insolvent and proceedings taken under orders passed under the second clause of section 19; and, except as provided in Chapter VII of this Act, no such application or proceeding shall be dealt with by any other Court.

XIV of 1882.

Agriculturists may apply for adjudication in cases not provided for by Code.

25. Any agriculturist whose debts (if any) amount to fifty rupees or upwards may apply to any Subordinate Judge within the local limits of whose ordinary jurisdiction he resides to be declared an insolvent, though he has not been arrested or imprisoned, and though no order of attachment has issued against his property, in execution of a decree.

Modification

26. Notwithstanding anything contained in section 351 of the Code of

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[a-a] These words were substituted for the original words by Act XXII of 1882, s. 9 (*3*), printed *infra*, p. 259.

[b] These references to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

of section 351 of the Code.

Civil Procedure,[a] the Court shall declare an agriculturist an insolvent if it is satisfied that he is in insolvent circumstances, and that the application to have him declared an insolvent has been properly made under section 344 of the said Code,[a] or section 25 of this Act. XIV of 1882.

Receiver.

27. No person other than the Nazir of the Court shall be appointed as Receiver, and no Receiver shall be entitled to commission.

Proof of debts.

28. In determining under section 352 of the said Code [a] the amount of any claim of the nature referred to in section 12 of this Act due by an insolvent agriculturist, the Court shall proceed in the manner prescribed by sections 12 to 15 of this Act, both inclusive. XIV of 1882.

Immoveable property not to vest in Receiver, but may be managed for benefit of creditors.

29. No immoveable property of the insolvent shall vest in the Receiver; but the Court, [b]on application or of its own motion,[b] may direct the Collector to take into his possession, for any period not exceeding seven years from the date on which the Receiver has been appointed, any immoveable property to the possession of which the insolvent is entitled, and which, in the opinion of the Collector, is not required for the support of the insolvent and the members of his family dependent on him, and, subject to any rules the Local Government may from time to time make in this behalf, to manage the same for the benefit of the creditors by letting it on lease or otherwise:

Provided that, if the insolvent or his representative in interest at any time pays into Court the balance of the scheduled debts then unpaid, he shall, subject to any rights created in favour of other persons by the Collector, be entitled to recover possession of such property.

A Collector managing property under this section shall during the management have all the powers which the owner might as such have legally exercised, and shall receive and recover all rents and profits of such property, and for the purpose of recovering such rents and profits shall have, in addition to any powers possessed by an owner, all powers possessed by a Collector for securing and recovering the land-revenue due to Government, except the powers mentioned in the Bombay Land-revenue Code, 1879, [c]section 150, clauses (*b*), (*d*) and (*e*). Bom. V of 1879.

Nothing in this section shall authorize the Court to direct the Collector

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[a] These references to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b-b] These words were inserted by Act XXII of 1882, s. 10, printed *infra*, p. 259.

[c] Printed in Vol. II of this Code.

to take into his possession any houses or other buildings belonging to and occupied by an agriculturist.

Secured debts.

30. When any scheduled debt is secured by a mortgage of any portion of the insolvent's immoveable property, the Court, [a]on application or of its own motion,[a]may direct the Collector, if he can obtain a premium equal to the amount of such debt by letting such property for a term not exceeding twenty years, to let such property, and, if he cannot so obtain such premium, to sell such property under section 325 of the Code of Civil Procedure[b].

XIV of 1882.

Where property is let under this section, the premium shall be applied to the payment of the debt, and the rent, if any, shall for a period of seven years from the date of such letting be paid to the Receiver, and thereafter to the insolvent or his representative in interest.

When property is sold under this section, the sale-proceeds shall be applied first, to the payment of the debt, and the balance, if any, shall be paid to the Receiver.

Insolvent incompetent to sell, etc., property dealt with under sections 29 and 30.

31. So long as any management under section 29 or letting under section 30 continues, the insolvent and his representative in interest shall be incompetent to mortgage, charge, lease or alienate the property managed or let, or any part thereof.

Scheduled debts discharged.

32. When the balance available for distribution among the scheduled creditors under section 356 of the said Code [b] has been distributed, the claims of such creditors shall be deemed to have been discharged, except as regards the right to share in the profits of any property managed by the Collector under section 29, or let by him under section 30.

XIV of 1882.

Appeals barred.

33. No appeal shall lie from any order passed under this Chapter except orders passed in exercise of the power conferred by section 359 of the Code of Civil Procedure[b].

XIV of 1882.

CHAPTER V.

Of Village-Munsifs.

Appointment of Village-Munsifs.

34. The Local Government may, from time to time, appoint any Pátel of a village or any other person possessing local influence in a village to be a Village-Munsif for such village or for such village and for any other villages the

[a-a] These words were inserted by Act XXII of 1882, s. 10, printed *infra*, p. 259.

[b] These references to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latterAct. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

sites of which are situate in the same district not more than two miles from the site of such village, and may cancel any such appointment.

Suits triable by them.

35. Every Village-Munsif so appointed shall take cognizance of suits of the description mentioned in section 3, clause (*w*), when the subject-matter thereof does not exceed ten rupees in amount or value, and all the defendants at the time of the commencement of the suit actually and voluntarily reside or carry on business or personally work for gain within the local area for which such Village-Munsif is appointed. Notwithstanding anything hereinbefore contained, a suit cognizable by a Village-Munsif shall not be heard by any other Court :

Jurisdiction of other Courts excluded.

Proviso.

Provided that the District Judge may, from time to time, transfer any suit instituted before a Village-Munsif to his own Court or any other Civil Court in the district for trial:

Provided also that no Village-Munsif shall try any suit to or in which he is a party or is personally interested, or shall adjudicate upon any proceeding connected with or arising out of such suit.

District Judge's power of revision.

36. The District Judge may, on a petition being presented within thirty days from the date of any decree or order of a Village-Munsif by any party deeming himself aggrieved by such decree or order, set aside such decree or order on the ground of corruption, gross partiality or misconduct of the Village-Munsif, and pass such other decree or order as he thinks fit.

Except as provided in this Act and in section 622 of the Code of Civil Procedure[*], every decree and order of a Village-Munsif shall be final. XIV of 1882.

Power of Local Government to make rules.

37. The Local Government may from time to time, by notification in the official Gazette, make rules consistent with this Act for regulating the procedure of Village-Munsifs and for conferring on them or any of them all or any of the powers for the trial of suits or the execution of decrees exercised by a Civil Court under the Code of Civil Procedure[*] or any other enactment for the time being in force. XIV of 1882.

CHAPTER VI.

Of Conciliation.

Appointment

38. The Local Government may, from time to time, appoint any person

[*] These references to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

other than an officer of police to be a Conciliator, and may cancel any such appointment. of Conciliators.

Every Conciliator appointed under this section shall be appointed only for a term not exceeding three years, but may on the expiration of the period for which he has been appointed be again appointed for a further term not exceeding three years.

Every Conciliator so appointed shall exercise his functions under this Act in respect of matters affecting agriculturists residing within such local area as the Local Government may, from time to time, prescribe.

[a] The expression "officer of police" in this section shall not be deemed to include a police-pátel appointed under Bombay Act No. VIII of 1867[b] (*for the Regulation of the Village-Police in the Presidency of Bombay*).

Matters which may be brought before Conciliator.

39. When any dispute arises as to, or there is a prospect of litigation regarding, any matter within the cognizance of a Civil Court between two or more parties, one of whom is an agriculturist residing within any local area for which a Conciliator has been appointed, or when application for execution of any decree in any suit to which any such agriculturist is a party, and which was passed before the date on which this Act comes into force, is contemplated, any of the parties may apply to such Conciliator to effect an amicable settlement between them.

Procedure thereupon.

40. If the application be made by one of the parties only, the Conciliator shall take down, or cause to be taken down, in writing a concise statement of the applicant's case, and shall thereupon, by summons or by such other means as he deems fit, invite the person against whom such application is made to attend before him at a time and place to be fixed for this purpose, and shall direct the applicant also to be present at such time and place.

Day for attendance may from time to time be postponed.

If such person fails to appear at the time first fixed, the Conciliator may, if he thinks fit, from time to time extend the period for his appearance.

[c] A Conciliator empowered by the Local Government in this behalf may, instead of inviting, direct the person against whom the application is made to attend at the time and place either first or subsequently fixed.

[c] If an applicant, or a person against whom an application is made, fails to be present or attend at the time and place specified in a direction proceeding

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[a] This para. was added by Act XXIII of 1881, s. 7, printed *infra*, p. 231.
[b] Printed in Vol. II of this Code.
[c] These paras. were added by Act XXIII of 1886, s. 8, printed *infra*, p. 262.

from a Conciliator under this section, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code[a]. XLV of 1860.

When all parties appear, Conciliator to endeavour to reconcile them.

41. Whenever all the parties are present, the Conciliator shall call upon each in turn to explain his case regarding the matter in question, and shall use his best endeavours to induce them to agree to an amicable settlement or to submit such matter to arbitration.

Conciliator to hear statements of witnesses, etc.

42. The Conciliator shall hear but shall not record the statement of any witness, and shall peruse any book of account or other document produced by the parties, or so much thereof as may be necessary, and, if any party or witness consents in writing to affirm any statement upon oath in any form not repugnant to justice or decency and not purporting to affect any third person, shall provide for such oath being duly taken in the presence of all the parties.

Any agreement arrived at to be reduced to writing.

43. If on the day on which the case is first heard by the Conciliator, or on any subsequent day to which he may adjourn the hearing, the parties come to any agreement, either finally disposing of the matter or for referring it to arbitration, such agreement shall be forthwith reduced to writing, and shall be read and explained to the parties, and shall be signed or otherwise authenticated by the Conciliator and the parties respectively.

Explanation.—A Conciliator may be appointed arbitrator under this section.

Procedure when agreement finally disposes of case.

44. When the agreement is one finally disposing of the matter, the Conciliator shall forward the same in original to the Court of the Subordinate Judge of lowest grade having jurisdiction in the place [b] where the agriculturist who is a party thereto resides;

and shall at the same time deliver to each of the parties a written notice to show cause before such Judge, within one month from the date of such delivery, why such agreement ought not to be filed in such Court.

The Court which receives the agreement shall, after the expiry of the said period of one month, unless cause has been shown as aforesaid, order such agreement to be filed; and it shall then take effect as if it were a decree of the said Court passed on the day on which it is ordered to be filed and from which no appeal lies.

[c]The Court may in any case, for reasons to be recorded by it in writing,

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] "Táluqá" was substituted for "place" by Act XXIII of 1881, s. 8 (printed *infra*, p. 231); but by Act XXII of 1882, s. 11 (printed *infra*, p. 259), "place" was again substituted for "táluqá."

[c] This para. was added by Act XXII of 1882, s. 12, printed *infra*, p. 259.

from time to time extend the period of one month allowed for showing cause under this section.

Procedure where agreement is for reference to arbitration.

45. When the agreement is one for referring the matter to arbitration, the Conciliator shall forward it to the Court having jurisdiction in the matter, and such Court shall cause it to be filed and proceed thereon in manner provided by sections 523 and 524 of the Code of Civil Procedure [a]. XIV of 1882.

Certificate to be given to applicant if conciliation fails.

46. If the person against whom any application is made before a Conciliator cannot after reasonable search be found, or if he refuses or neglects, after a reasonable period has been allowed for his appearance, to appear before the Conciliator, or if he appears but the endeavour to induce the parties to agree to an amicable settlement or to submit the matter in question to arbitration fails, the Conciliator shall, on demand, give to the applicant, or when there are several applicants to each applicant, a certificate under his hand to that effect.

Suit, or application for execution, not to be entertained by Civil Court unless such certificate is produced.

47. No suit, and no application for execution of a decree passed before the date on which this Act comes into force, to which any agriculturist residing within any local area for which a Conciliator has been appointed is a party, shall be entertained by any Civil Court unless the plaintiff produces [b]a certificate in reference thereto obtained by him under section 46 within the year immediately preceding[b].

[c] *Explanation.*—The expression "Civil Court" in this section does not include a Mámlatdár's Court under Bombay Act No. III of 1876 [d] (*to consolidate and amend the law relating to the powers and procedure of Mámlatdárs' Courts*).

Allowance to be made in period of limitation.

[e] **48.** In computing the period of limitation prescribed for any such suit or application, the time intervening between the application made by the plaintiff under section 39 and the grant of the certificate under section 46 shall be excluded.[f]

Local Government to make rules.

49. The Local Government may from time to time make rules—

(*a*) regulating the procedure before Conciliators in matters not provided for by this Act;

(*b*) fixing the charges to be made by Conciliators for anything done by them under this Chapter; and

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[a] This reference to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[b-b] These words were substituted for the original words by Act XXII of 1882, s. 13, printed *infra*, p. 269.

[c] This *Explanation* was added by Act XXIII of 1881, s. 9, printed *infra*, p. 231.

[d] Printed in Vol. II of this Code.

[e] This section was substituted for the original s. 48 by Act XXIII of 1881, s. 10.

[f] The second paragraph, repealed by Act XII of 1891, is omitted.

(*e*) determining what record and accounts shall be kept by Conciliators and what returns shall be framed and furnished by them.

CHAPTER VII.

SUPERINTENDENCE AND REVISION.

District Judge to inspect, etc.

50. The District Judge shall inspect, supervise and control the proceedings under [a]Chapter II, Chapter IV and Chapter VI[a] of this Act, of all Subordinate Judges and the proceedings of all Village-Munsifs and Conciliators.

District Judge may withdraw case from Conciliator or Subordinate Judge,

[b] **51.** The District Judge may—

(*a*) transfer any application pending before a Conciliator to the file of any other Conciliator;

(*b*) transfer to his own file any suit or other matter pending before the Court of any Subordinate Judge under [a]Chapter II, Chapter IV or Chapter VI[a] of this Act, and may dispose of the same as if he were a Subordinate Judge; or

or sit with Subordinate Judge as a Bench for trial of any case.

(*c*) stay the proceedings in any such suit or matter, and sit together with such Judge as a Bench to dispose of such suit or matter in accordance with the provisions of this Act.

If the members of any Bench sitting under this section differ in opinion, the opinion of the District Judge shall prevail.

Appointment of Assistant or Subordinate Judge to aid District Judge.

52. The Local Government shall appoint an Assistant or Subordinate Judge to inspect and supervise, subject to the control of the District Judge, the proceedings of all Subordinate Judges under [a]Chapter II, Chapter IV and Chapter VI[a] of this Act, and of all Village-Munsifs and Conciliators in each of the said districts of Puna, Satára, Sholapúr and Áhmadnagar:

Provided that, if the Local Government thinks fit, the same Assistant or Subordinate Judge may be so appointed for two or more such districts.

Any Assistant or Subordinate Judge appointed under this section may in any district for which he is so appointed, if the District Judge so directs, exercise the powers of the District Judge under section 51 of this Act, and transfer any suit under section 25 of the Code of Civil Procedure [c]. XIV of 1882.

[a-a] These references were substituted for the original references by Act XXII of 1882, s. 14, printed *infra*, p. 259.

[b] This section was substituted for the original s. 51 by Act XXIII of 1881, s. 11, printed *infra*, p. 231.

[c] This reference to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

Of revision.

53. The District Judge may, for the purpose of satisfying himself of the legality or propriety of any decree or order passed by a Subordinate Judge in any suit or other matter under [a]Chapter II, Chapter IV or Chapter VI [a] of this Act, and as to the regularity of the proceedings therein, call for and examine the record of such suit or matter, and pass such decree or order thereon as he thinks fit;

and any Assistant Judge or Subordinate Judge appointed by the Local Government under section 52 may similarly, in any district for which he is appointed, call for and examine the record of any such suit or matter, and, if he see cause therefor, may refer the same, with his remarks thereon, to the District Judge, and the District Judge may pass such decree or order on the case as he thinks fit:

Provided that no decree or order shall be reversed or altered for any error or defect or otherwise, unless a failure of justice appears to have taken place.

Special Judge.

54. The Local Government from time to time may, and if the Government of India so direct shall, appoint an officer, as Special Judge, to discharge in the place of the District Judge all the functions of the District Judge under this Act in respect of the proceedings of all Subordinate Judges, Village-Munsifs and Conciliators, and may cancel any such appointment.

Such Special Judge shall not, without the previous sanction of the Government of India, discharge any public function except those which he is empowered by this Act to discharge.

If any conflict of authority arises between the Special Judge and the District Judge, the High Court shall pass such order thereon consistent with this Act as it thinks fit.

No appeal shall lie from any decree or order passed by the District Judge under this Chapter, or by the Special Judge, or by an Assistant or Subordinate Judge appointed under section 52, or by a Bench, in any suit or proceeding under this Act.

[b] But the District Judge or Special Judge, or an Assistant or Subordinate Judge or Bench, may refer to the High Court, under section 617 of the Code of Civil Procedure[c], any question of law, or usage having the force of law, or the construction of a document, arising in any case pending before him or it under this Chapter as if that case were a suit or an appeal pending

XIV of 1882.

[a-a] These references were substituted for the original references by Act XXII of 1882, s. 14, printed *infra*, p. 259.

[b] This para. was added by Act XXII of 1882, s. 15.

[c] For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.

before him or it; and, in respect of every reference so made, sections 618 to 621 of the said Code[a], both inclusive, shall apply: XIV of 1882.

[b] Provided that no reference shall be made under this section by any Assistant or Subordinate Judge, or by any Bench of which the District Judge or Special Judge is not a member, without the previous sanction of the District Judge or Special Judge, as the case may be.

CHAPTER VIII.

REGISTRATION BY VILLAGE-REGISTRARS.

Appointment of Village-Registrars.

55. The Local Government may, from time to time,—

(*a*) appoint such persons as it thinks fit, whether public officers or not, to be Village-Registrars for such local areas as it may, from time to time, prescribe;

(*b*) direct the Village-Registrar for any local area to discharge the functions of a Village-Registrar for any other local areas concurrently with the Village-Registrars of such other local areas; and

(*c*) delegate to any person, by name or in virtue of his office, the powers conferred on it by this section;

and may cancel any such appointment, direction or delegation.

Instruments executed by agriculturist not to be deemed valid unless executed before a Village-Registrar.

56. No instrument which purports to create, modify, transfer, evidence or extinguish an obligation for the payment of money or a charge upon any property, or to be a conveyance or lease, and which is executed after this Act comes into force by an agriculturist residing in any local area for which a Village-Registrar has been appointed, shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon by any such person or by any public officer, unless such instrument is written by, or under the superintendence of, and is attested by, a Village-Registrar:

Provided that nothing herein contained shall prevent the admission of any instrument in evidence in any criminal proceeding, [c]or apply to any instrument which is executed by an agriculturist merely as a surety[c],

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[a] For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.

[b] This para. was added by Act XXII of 1882, s. 15, printed *infra*, p. 259.

[c.c] These words were added by Act XXIII of 1881, s. 12, printed *infra*, p 231.

III of 1877. [a]or to any instrument required by section 17 of the Indian Registration Act, 1877[b], to be registered under that Act[a].

Such instruments to be written by, or under the superintendence of, a Village-Registrar and executed in his presence.

[c] **57.** When any persons intend to execute any instrument to which section 56 applies, all such persons shall appear before the Village-Registrar appointed for the area in which the agriculturist, or, when there are several agriculturists intending to execute the instrument, any one of such agriculturists, resides, and such Registrar, after satisfying himself in such manner as he deems fit as to the identity of the intending executants and receiving the fee (if any) prescribed by the Local Government in this behalf, and the stamp (if any) which may be required by law, shall write the instrument, or cause the same to be written under his superintendence; and, after reading the same aloud, or causing it to be so read, in the hearing of the intending executants, shall require them to execute it in his presence.

Attestation of such instruments.

Every instrument so written and executed shall at the time of execution be attested by the Village-Registrar, and also, if any of the executants thereof is unable to read such instrument, by two respectable witnesses.

For the purposes of this section every executant of any such instrument shall appear in person before the Village-Registrar; but every other party thereto may appear either in person or by any agent, being his relative, servant or dependant, whom he has duly furnished with a power-of-attorney [d]executed and authenticated in such manner as the Local Government may from time to time, by rule prescribe,[d] authorizing him to appear and act on his behalf.

Registration of instruments by Village-Registrars.

58. Every Village-Registrar shall keep a register of instruments executed before him in such form as shall, from time to time, be prescribed by the Inspector-General of Registration.

As soon as all the [e]intending executants have executed any instrument[e] before a Village-Registrar, he shall make a copy of it or cause a copy of it to be made in his register, and shall deliver the original instrument to the party entitled to the custody of the same[f].

Previous to delivery, the original instrument [g] shall be endorsed under the

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[a-a] This portion was added by Act XXIII of 1886, s. 9, printed *infra*, p. 263.

[b] For Act III of 1877 see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department.

[c] This section was substituted for the original s. 57 by Act XXIII of 1881, s. 13, printed *infra*, p. 281.

[d-d] These words were inserted by Act XXII of 1882, s. 16, printed *infra*, p. 259.

[e-e] These words were substituted for the original words by Act XXIII of 1881, s 14.

[f-g] Words repealed by Act XXIII of 1886, s. 10 (*l*), (*2*), are omitted.

Village-Registrar's signature, with the date of registration, the name and residence of the Village-Registrar, and the volume and page of the register in which the instrument has been registered.

[a] A certified copy of any entry in the register shall be granted by the Village-Registrar, free of charge, on the application of any party to the instrument to which the entry relates, or of his agent or representative, and the copy shall be admissible as evidence of the contents of the instrument.

Consideration to be fully stated in every instrument executed before a Village-Registrar.

59. In every instrument written by, or under the superintendence of, the Village-Registrar, the amount and nature of the consideration, if any, shall be fully stated.

The Village-Registrar shall also endorse upon the instrument a note under his hand, recording whether or not the transfer of the consideration stated therein, or of any part thereof, took place in his presence.

Previous instruments to be produced.

If the instrument modifies, or wholly or partly supersedes, a previous instrument, such previous instrument shall be produced before the Village-Registrar and shall be fully described in the instrument to be executed, and shall be marked by the Village-Registrar under his hand for identification.

Registration under this Act to be deemed equivalent to registration under Indian Registration Act, 1877.

60. Every instrument executed and registered in accordance with the foregoing provisions shall be deemed to have been duly registered under the provisions of the Indian Registration Act, 1877[b]; and no instrument which ought to have been executed before a Village-Registrar but has been otherwise executed shall be registered by any officer acting under the said Act, or in any public office, or shall be authenticated by any public officer. III of 1877.

Village-Registrars to be subordinate to the Inspector-General of Registration.

61. The Inspector-General of Registration shall exercise, by himself and his subordinates, a general superintendence over all Village-Registrars, and may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Act for regulating their proceedings and for providing for the custody of their records.

Exemption of instruments to which Government or any officer of Government is a party.

62. Nothing in this Act shall be deemed to require any instrument, to which the Government or any officer of Government in his official capacity is a party, to be executed before a Village-Registrar.

Power of Local Government to make rules.

63. The Local Government may, from time to time, make rules regulating the appointment, suspension, dismissal and remuneration of Village-Registrars and prescribing the fees to be levied by them.

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[a] This para. was added by Act XXIII of 1886, s. 10 (3), printed *infra*, p. 263.

[b] For Act III of 1877 see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department.

(Chap. VIIIA.—Registration of Instruments referred to in Section 17 of the Indian Registration Act, 1877. Sec. 63A. Chap. IX.—Of Receipts and Statements of Account. Secs. 64-65.)

[a] CHAPTER VIIIA.

REGISTRATION OF INSTRUMENTS REFERRED TO IN SECTION 17 OF THE INDIAN REGISTRATION ACT, 1877[b].

Mode of execution by agriculturists of instruments required to be registered under Act III of 1877.

63A. (*1*) When an agriculturist intends to execute any instrument required by section 17 of the Indian Registration Act, 1877 [b], to be registered under that Act, he shall appear before the Sub-Registrar within whose sub-district the whole or some portion of the property to which the instrument is to relate is situate, and the Sub-Registrar shall write the instrument, or cause it to be written, and require it to be executed, and attest it, and, if the executant is unable to read the instrument, cause it to be further attested, and otherwise act in accordance with the procedure prescribed for a Village-Registrar by sections 57 and 59 of this Act, and shall then register the instrument in accordance with the provisions of the Indian Registration Act, 1877[b].

III of 1877.

(*2*) An instrument to which sub-section (*1*) applies shall not be effectual for any purpose referred to in section 49 of the Act last-mentioned unless it has been written, executed and attested in the manner provided in that sub-section.

CHAPTER IX.

OF RECEIPTS AND STATEMENTS OF ACCOUNT.

Agriculturists entitled to written receipts;

64. The person to whom any agriculturist makes any payment of money in liquidation of a debt shall, at the time of such payment, tender to such agriculturist, whether he demand the same or not, a written receipt for the amount of such payment.

If such payment is made under any instrument executed before a Village-Registrar, the receipt shall, if the agriculturist so require, be endorsed on the copy of the instrument furnished to him under section 58.

to annual statements of account;

65. Any agriculturist by whom any money is due under any instrument shall, on such date in each year as the Local Government, having regard to local custom, may from time to time, by notification in the official Gazette, fix, be

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[a] Chap. VIIIA was inserted by Act XXIII of 1886, s. 11, printed *infra*, p. 263.

[b] For Act III of 1877, see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department.

entitled to receive, on demand, from the person claiming under such instrument, a statement up to that date of his account under such instrument.

to have account made up from time to time in a pass-book.

66. Any agriculturist in whose name an account is kept by any trader or money-lender shall be entitled to receive from such trader or money-lender, on demand, a pass-book; and to require, from time to time, that his account up to date be written therein and authenticated by the signature or mark of the said trader or money-lender.

An entry so made in any such pass-book of any payment made to the trader or money-lender shall be deemed to be equivalent, for the purposes of section 64, to the grant of a receipt for the amount so entered.

No person whose account has been written in a pass-book as required by this section shall be entitled also to demand an account under section 65.

Penalty for contravention of sections 64 to 66.

67. Any person who, in contravention of section 64, 65 or 66, refuses or neglects to tender a receipt or a statement of account or a pass-book, or to write, or cause to be written, any account or any part of an account in a pass-book, or to attest the same when so written, shall be punished for each such offence with fine which may extend to one hundred rupees.

CHAPTER X.

LEGAL PRACTITIONERS.

Pleaders, etc., excluded in certain cases.

[a] **68.** No pleader, vakíl or mukhtar, and no advocate or attorney of a High Court, shall be permitted to appear on behalf of any party to any case before a Conciliator or a Village-Munsif[b]:

Provided that any party to any such case may be permitted, on reasonable cause being shown to the satisfaction of the Conciliator or Village-Munsif, to employ any relative, servant or dependant who is not, and has not previously been, a pleader, vakíl or mukhtar, or an advocate or attorney of a High Court, to appear either conjointly with, or in lieu of, such party.

When a relative, servant or dependant appears in lieu of a party, he shall be furnished by him with a power-of-attorney defining the extent to which he is empowered to act.

Power of Court to appoint

69. When in any suit or proceeding before a Subordinate Judge under this Act to which an agriculturist is a party, any pleader, vakíl or mukhtar,

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[a] This section was substituted for the original s. 68 by Act XXIII of 1881, s. 15, printed *infra*, p. 232.

[b] Words repealed by Act XXII of 1882, s. 17, are omitted.

or any advocate or attorney of a High Court, appears on behalf of any party opposed to such agriculturist, the Subordinate Judge, if he is of opinion that such agriculturist has not the means of obtaining proper professional assistance, may, with the consent of such agriculturist, direct the Government pleader or any other fit person (who is willing so to do) to appear on his behalf. Pleader for agriculturist.

CHAPTER XI.

MISCELLANEOUS.

70. No mortgage, lien or charge of or upon any immoveable property belonging to an agriculturist shall be valid unless it is created by an instrument in writing under the hand of the person creating such mortgage, lien or charge. Mortgages, etc., to be valid only when written.

Nothing in this section shall apply to any mortgage, lien or charge created by mere operation of law, or in favour of the Government or of any officer of the Government in his official capacity.

71. [*All mortgages hitherto executed to be registered.*] *Repealed by Act XXIII of 1881, s. 16.*

[a]**72.** In any suit [b]of the description mentioned in section 3, clause (*w*),[b] for the recovery of money from a person [c] who at the time when the cause of action arose was an agriculturist, the following periods of limitation shall be deemed to be substituted for those prescribed in the second column of the second schedule annexed to the Indian Limitation Act, 1877 [d] (that is to say) :— Limitation. XV of 1877.

(*a*) when such suit is founded on a written instrument registered under this Act or any law in force at the date of the execution of such instrument,—twelve years;

(*b*) in any other case,— six years:

[e] Provided that nothing in this section shall—

(*i*) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor, if the principal debtor was not, at the time when the cause of action arose, an agriculturist, or

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[a] This section was substituted for the original s. 72 by Act XXIII of 1881, s. 17, printed *infra*, p. 232.

[b,b] This reference was substituted for the original reference by Act XXIII of 1886, s. 12 (*1*), printed *infra*, p. 263.

[c] Words repealed by Act XXIII of 1886, s. 12 (*2*), are omitted.

[d] For Act XV of 1877 see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department.

[e] This proviso was substituted for the original proviso by Act XXIII of 1886, s. 12 (*3*).

(*ii*) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Act comes into force.

Decision as to whether person is an agriculturist, final.

73. The decision of any Court of first instance that any person is or is not an agriculturist shall, for the purposes of this Act, be final.

Certain agricultural produce exempted from attachment, etc.

[a]**73A.** When the Collector has taken any immoveable property of a judgment-debtor or insolvent into his possession under section 22 or section 29, he may, by an order in writing, direct that any other such property not so taken shall be deemed to be reserved for the support of the judgment-debtor or insolvent and the members of his family dependent on him, and may rescind that order.

While any such order continues in force in respect of any immoveable property, agricultural produce grown on that property shall not be attached or sold in execution of a decree passed whether before or after this Act comes into force, and shall not vest in the receiver appointed in any insolvency-proceedings.

Code of Civil Procedure to apply in Subordinate Judges' Courts.

74. Except in so far as it is inconsistent with this Act, the Code of Civil Procedure[b] shall apply in all suits and proceedings before Subordinate Judges under this Act. XIV of 1882.

Additional power to make rules.

75. The Local Government may, from time to time, make all such rules as it may deem necessary for carrying out the provisions herein contained.

Rules to be published.

76. All rules made by the Local Government under this Act shall be published in the official Gazette, and shall thereupon, in so far as they are consistent with this Act, have the force of law.

THE GLANDERS AND FARCY ACT, 1879.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.

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[a] S. 73A was inserted by Act XXII of 1832, s. 18, printed *infra*, p. 259.

[b] This reference to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

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2. Interpretation-clause.
3. Local Government may apply Act.
4. Local Government to appoint Inspectors.
5. Inspector's power to seize horse.
6. Power of entry and search given to Inspectors.
7. Horse to be examined by Veterinary Surgeon.
8. Horse to be destroyed if found diseased; otherwise restored.
9. When horse diseased, place where it has been to be disinfected, etc.
10. Owner or person in charge of diseased horse to give notice.
11. Prohibition against removal, without license, of horse which has been with diseased horse.
12. Vexatious entries, searches and seizures.
13. Penalty for refusing to comply with notice under section 9, or moving horse contrary to section 11.
14. Power to make rules.
15. [*Repealed.*]

ACT No. XX OF 1879.

Received the Governor General's assent on 14th November, 1879.

An Act to provide for the better prevention of Glanders and Farcy among Horses.

WHEREAS it is expedient to provide for the better prevention of glanders and farcy among horses; It is hereby enacted as follows:— Preamble.

1. This Act may be called the Glanders and Farcy Act, 1879. Short title.

It extends to the whole of British India, except the territories respectively administered by the Governor of Fort St. George in Council [*] and the Lieutenant-Governor of Bengal; Local extent.

and it shall come into force at once. Commencement.

2. In this Act, unless there is something repugnant in the subject or context,— Interpretation-clause.

"horse" includes also ponies, asses, mules and jennets:

"diseased" means affected with glanders or farcy.

3. The Local Government may, by notification in the official Gazette, apply this Act, or any provision of this Act, to any local area, to be specified in such notification, within the territories administered by it, and may in like manner amend or cancel any such notification. Local Government may apply Act.

4. When this Act has been so applied to any local area, the Local Govern- Local Gov-

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[*] The words "the Governor of Bombay in Council," which were repealed by Act XXIV of 1886, are omitted.

ernment to appoint Inspectors.

ment may, by notification in the official Gazette, appoint either by name or by virtue of their office such persons as it thinks fit to be Inspectors under this Act, and to exercise and perform, within the whole of such local area or such portions thereof as it may from time to time prescribe, the powers conferred and the duties imposed by this Act on such officers.

Every person so appointed may be suspended or dismissed by the Local Government which appointed him.

Every person so appointed shall be deemed a public servant within the meaning of the Indian Penal Code[a]. XLV of 1860.

Inspector's power to seize horse.

5. Within the local limits for which he is so appointed, any such Inspector may seize any horse which he has reason to believe, from personal knowledge or from information given by any person and taken down in writing, is diseased.

Power of entry and search given to Inspectors.

6. For the purpose of making such seizure, such Inspector may, subject to such rules as the Local Government may from time to time make in this behalf, enter and search any field, building or other place where he has reason to believe that any such horse is to be found.

Horse to be examined by Veterinary Surgeon.

7. On any such seizure, the Inspector shall cause the horse so seized to be examined as soon as possible by such Veterinary Surgeon as the Local Government may from time to time appoint in this behalf.

Horse to be destroyed if found diseased; otherwise restored.

8. If such Surgeon certifies in writing that such horse is diseased, the Inspector shall cause the same to be immediately destroyed; but, if such Surgeon does not so certify, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

When horse diseased, place where it has been to be disinfected, etc.

9. When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of such building, shed, place or lines, or the person in charge thereof, directing him to have the same disinfected, and the internal fittings thereof, or such other things found therein or near thereto as the Local Government may from time to time by rule prescribe, destroyed.

On the failure or neglect of such owner or other person to comply with such notice within a reasonable time, the Inspector shall cause such building, shed, place or lines to be disinfected, and such fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from such owner or other person as it were a fine[b].

Owner or person in

10. The owner or any person in charge of a diseased horse shall give im-

[a] See Act XLV of 1860, s. 21. (For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.)

[b] As to recovery of fines, see Act I of 1868, s 5, in General Acts, 1867-76, Ed 1887, p 19

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mediate information of such horse being diseased to the Inspector or to some officer of Police.

charge of diseased horse to give notice.

11. No person in charge of any horse which has been in the same field, building or place or in contact with a diseased horse, shall move such horse, except in good faith for the purpose of preventing infection or under a license to be granted by the Inspector and subject to the conditions of such license.

Prohibition against removal, without license, of horse which has been with diseased horse.

12. Any Inspector who, without reasonable ground of suspicion, enters or searches any field, building or other place, or vexatiously and unnecessarily seizes or detains any horse on the pretence that it is diseased, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Vexatious entries, searches and seizures.

No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

13. Any person who refuses or neglects to comply with any notice issued by the Inspector under section 9, or who moves any horse in contravention of section 11, shall be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty for refusing to comply with notice under section 9, or moving horse contrary to section 11.

14. The Local Government may, from time to time, make rules consistent with this Act—

Power to make rules.

(*a*) for regulating entries and searches by Inspectors under this Act ;

(*b*) for regulating the destruction of horses certified under section 8 to be diseased, and the disposal of the carcasses of such horses ;

(*c*) for regulating the disinfecting of buildings and places in which diseased horses have been, and for prescribing what things found therein or near thereto shall be destroyed :

(*d*) for regulating the grant of licenses under section 11, and the conditions on which such licenses shall be granted ; and

(*e*) generally for carrying out the purposes of this Act.

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

Any person breaking a rule made under this section shall be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

15. [*Validation of proceedings.*] *Repealed by Act XII of 1891.*

ACT No. IX OF 1880.

Received the Governor General's assent on 30th April, 1880.

An Act to amend the Bombay Civil Courts Act, 1869.

Preamble. WHEREAS it is expedient to empower the Governor of Bombay in Council to fix and, from time to time, to alter the local limits of the ordinary jurisdiction of the Subordinate Judges appointed under the Bombay Civil Courts Act, 1869; XIV of 1869.

It is hereby enacted as follows :—

Short title. 1. This Act may be called the Bombay Civil Courts Act, 1880;

Commencement. and it shall come into force at once.

Insertion of a new section after section 22. 2. In the said Act, after section 22, the following section shall be inserted :—

[Printed *supra*, p. 131.]

3. [*Limits already fixed to be deemed to have been fixed according to law.*] *Repealed by Act XII of 1891.*

ACT No. XV OF 1880.

Received the Governor General's assent on 3rd November, 1880.

An Act to amend the Bombay Revenue Jurisdiction Act, 1876[a].

Preamble. WHEREAS it is expedient to amend the Bombay Revenue Jurisdiction Act, 1876[a], in manner hereinafter appearing [b]; It is hereby enacted as follows :— X of 1876.

Short title. Commencement. 1. This Act may be called the Bombay Revenue Jurisdiction Act, 1880;

and it shall come into force at once.

Repeal of sections 8, 9, 10 and 17 of Act X of 1876. 2. Sections 8, 9, 10 and 17 of the said Bombay Revenue Jurisdiction Act, 1876[a], are hereby repealed :

Provided that the repeal hereby effected, of the first clause of the said section 17, shall not operate in any scheduled district unless and until the Bombay Land-revenue Code, 1879[c], has been extended to such district Bom. V of 1879.

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[a] Printed *supra*, p. 147.
[b] Portion repealed by Act XII of 1891 is omitted.
[c] Printed in Vol. II of this Code.

Provided also that the repeal of the second clause of the said section 17 shall not be deemed to render invalid or illegal anything made valid or legal by such clause.

Addition to section 32 of Act XIV of 1869 as amended by section 15 of Act X of 1876.

3. To section 32 of the Bombay Civil Courts Act, No. XIV of 1869, as amended by section 15 of the said Bombay Revenue Jurisdiction Act, 1876, the following words shall be added :—

X of 1876.

[Printed *supra*, p. 133.]

4 & 5. [*Advances.*] *Repealed by Act XII of 1884, except as regards the recovery of advances made before that Act came into force, and of the interest thereon.*

ACT No. X OF 1881.

Received the Governor General's assent on 25th February, 1881.

An Act to amend the Coroners Act, 1871, and for other purposes.

Preamble.

IV of 1871.

[a]WHEREAS it is expedient to amend the Coroners Act, 1871, in manner hereinafter appearing; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called the Coroners Act, 1881; and shall come into force on the passing thereof.

2 to 4. [*Partial repeal of Act IV of 1871, s. 1; local limits of jurisdiction of Coroner of Madras.*] *Repealed by Act V of 1889, s. 3 (2).*

Amendment of section 8, Act IV of 1871.

5. In section 8 of the Coroners Act, 1871, for the words "is informed" the words "has reason to believe" shall be substituted.

Amendment of section 17.

6. For the first two clauses of section 17 of the Coroners Act, 1871, the following shall be substituted, that is to say :—

[Printed *supra*, p. 140.]

Addition to section 20.

7. To section 20 of the Coroners Act, 1871, the following clause shall be added, that is to say :—

[Printed *supra*, p. 141.]

8 & 9. [*New section substituted for section 9 of Madras Act VIII of 1867 partial repeal of Act X of 1872, Schedule V.*] *Repealed by Act X of 1882.*

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[a] This preamble was substituted for the original preamble by Act V of 1889, s. 3 (*1*), printed *infra*, p. 266.

THE SINDH INCUMBERED ESTATES ACT, 1881.

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ACT No. XX OF 1881.

Received the Governor General's assent on 7th September, 1881.

An Act to amend the law providing for the relief of Jágírdárs and Zamíndárs in Sindh.

Preamble.

WHEREAS it is expedient to amend the law providing for the relief of jágírdárs and zamíndárs in Sindh; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Commencement.

1. This Act may be called the Sindh Incumbered Estates Act, 1881; and it shall come into force on the passing thereof.

Repeal of Act No. XIV of 1876.

2. Act No. XIV of 1876 (*to relieve from Incumbrances the estates of Jágírdárs and Zamíndárs in Sindh*) is repealed; but all applications, appointments and rules made, all notices published and all other things duly done under the said Act, shall be deemed to have been respectively made, published and done under this Act.

Interpretation-clause.

3. In this Act—

"jágír land" includes also a share held hereditarily of the revenues of a Government village, but does not include *siri* or *mámul* or garden grants:

"jágírdár" means a person who, or whose ancestor, was found in possession of jágír land in Sindh on the seventeenth day of February, 1843, and to whom the said land, or a portion of the same, or other land in lieu thereof, has been continued by the British Government, and to whom, or to whose ancestor, a sanad has been, or hereafter may be, granted confirming such continuance:

"zamíndár" means a person holding lands in Sindh on the aggregate of which he or his ancestor has been assessed by the Government, on account of land-revenue for any one of the five revenue years next before the fourteenth

day of September, 1876, a sum not less than three hundred rupees; [*] and a person holding lands in Sindh which, having been comprised in the jágír lands of a jágírdár, and having ceased to be jágír lands, are assessed by the Government on account of land-revenue at a sum not less than three hundred rupees per year, and, where a joint family or any other body of co-owners hold lands of either of those descriptions, each member of that family or body who would be entitled to demand a partition of the lands : [*]

" Commissioner " means the Commissioner in Sindh.

CHAPTER II.

Of the Application and Preliminary Inquiry.

Application for the benefit of this Act.

4. At any time within six months after the passing of this Act, any jágírdár or zamíndár,

or any person who would be sole heir or one of the heirs to such jágírdár or zamíndár if he then died intestate,

may apply, in writing, to the Commissioner, stating that such jágírdár or zamíndár is subject to debts or liabilities, other than debts due or liabilities incurred, to Government, or that his immoveable property is charged with debts or liabilities other than as aforesaid, and requesting that the provisions of this Act be applied to his case.

When any jágírdár, zamíndár or other person entitled to make an application under this section is a minor, or of unsound mind, or an idiot, such application may be made on his behalf by the guardian or other legal curator of his person, or by the legally constituted administrator or manager of his estate.

Order to inquire.

5. When any such application is made by or on behalf of a jágírdár, or the person who would be his sole heir if he then died, the Commissioner shall direct an inquiry to be made by such officer as he thinks fit into the nature and amount of such debts and liabilities, and the sufficiency of the debtor's property, whether moveable or immoveable, to discharge the same.

When such an application is made in any other case, it shall be in the discretion of the Commissioner, subject to any general rules which may from time to time be made by the Governor of Bombay in Council in this behalf, either to reject such application or to direct an inquiry to be made as aforesaid.

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[*] These words were added by Act XI of 1884, s. 2, printed *infra*, p. 260.

Interim order of protection.

[a]**5A.** When the Commissioner has directed an inquiry under section 5, he may, if he thinks fit, further direct that, until he dismisses the application or appoints an officer under section 7,—

(*a*) all proceedings then pending in any Civil Court or Revenue Court or Office in British India in respect of any of the debts and liabilities to which the debtor is subject, or which are charged on the whole or any part of his immoveable property, shall be stayed, and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended; and

(*b*) no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any Civil Court or Revenue Court or Office in British India in respect of such debts and liabilities.

Verified statement to be submitted.

6. When an inquiry has been directed under section 5, the applicant shall, within a period to be fixed by the Commissioner, submit to the officer appointed to make such inquiry a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plaints, and containing, so far as may be practicable, such details as to the debts and liabilities, and as to the sufficiency of the debtor's property, whether moveable or immoveable, to meet the same, as the Commissioner, or the said officer subject to his control, may require.

False averments in statement.

If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, such person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code[b]. XLV of 1860.

Report of inquiry and proceedings thereon.

7. The officer so appointed, after making inquiry, shall submit a report of the proceedings to the Commissioner.

On receipt of such report, the Commissioner may (*a*) direct a further inquiry; or (*b*) dismiss the application; or (*c*), by order published in the Sindh Official Gazette, appoint an officer (hereinafter called the manager) to manage the immoveable property of the debtor, and to arrange for the liquidation of his debts in manner hereinafter provided.

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[a] S. 5A was inserted by Act XI of 1884, s. 3, printed *infra*, p. 260.

[b] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

CHAPTER III.

OF THE ORDER OF MANAGEMENT.

"Order of management;" to what it extends.

8. Such order (hereinafter called "the order of management") shall extend to all immoveable property, [a]including any interest in joint immoveable property,[a] of or to which the debtor is on the date of its publication possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him during the continuance of the management, and to all debts and liabilities to which he is subject, or which are charged on the whole or any part of his immoveable property on the said date, and to the amount of any loan which may be received by the manager from Government in the manner hereinafter provided.

Commencement of management.

The management shall be deemed to commence from the date on which the order is published.

Effect of order of management.

9. On the publication of the order of management, the following consequences shall ensue :—

Stay of pending proceedings, etc.

First, all proceedings then pending in any Civil Court [b]or Revenue Court or Office[b] in British India in respect to the debts and liabilities mentioned in section 8 shall be stayed; and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended;

Bar of fresh proceedings.

Secondly, so long as the management continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any Civil Court [c]or Revenue Court or Office[c] in British India in respect of such debts and liabilities;

The debtor incompetent—

Thirdly, so long as the management continues, the debtor shall be incompetent—

to contract debts,

(*a*) to enter into any contract involving him in pecuniary liability, or

to encumber or alienate property under management,

(*b*) to mortgage, charge, lease or alienate the property under management or any part thereof, or

to grant receipts for rent thereof.

(*c*) to grant valid receipts for the rents and profits arising or accruing therefrom:

Provided that nothing contained in this clause shall be deemed to preclude the manager from letting, and the debtor from taking, the whole or any part of such property on such terms consistent with this Act as may be agreed upon between the parties;

[a-a] These words were inserted by Act XI of 1884, s. 4, printed *infra*, p. 260.
[b-b, c-c] These words were inserted by Act XI of 1884, s. 5.

Fourthly, so long as the management continues, no person other than the manager shall be competent to mortgage, charge, lease or alienate such property or any part thereof.

Manager to have powers of owner and to receive rents and profits;

10. The manager shall, during the management of the property, have all powers which the owner thereof might, as such, have legally exercised, and shall receive and recover all rents and profits due in respect of the property under management;

to have powers of a Collector for their recovery.

and for the purpose of recovering such rents and profits shall have, in addition to any powers possessed by a jágírdár or zamíndár, as the case may be, all the powers possessed by a Collector under the law for the time being in force for the recovery of land-revenue due to Government:

Provided that he shall not, before the liquidation-scheme hereinafter mentioned has been sanctioned, demise the property under management, or any part thereof, for any term exceeding two years, to take effect in possession.

Manager to pay therefrom—

11. From the sums received or recovered under section 10, the manager shall pay—

costs of management and repairs,

First, the costs of the management, including the costs of necessary repairs;

Government revenue, etc.,

Secondly, the Government revenue and all debts and liabilities for the time being due or incurred to Government in respect of the property under management;

rent due to superior holder,

Thirdly, the rent (if any) due to the jágírdár or other superior holder in respect of the said property;

allowance for maintenance of debtor,

Fourthly, such periodical allowances as the Commissioner may from time to time fix for the maintenance of the debtor and his family;

cost of improvements, etc.

Fifthly, the cost of such improvements of the said property as he thinks necessary and are approved by the Commissioner.

Residue how disposed of.

The residue shall be retained by the manager for the liquidation, in manner hereinafter provided, of the debts and liabilities mentioned in section 8, other than those so due or incurred to Government, and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the manager under this Act.

CHAPTER IV.

Proof of Debts and Scheme for Liquidation.

Notice to

12. On the publication of the order of management, the manager shall

publish in the Sindh Official Gazette a notice in English and Sindhí, calling upon all persons having claims against the debtor, or the property under management, to notify the same in writing to such manager within six months from the date of the publication. Claimants against debtor.

He shall also cause copies of such notice to be exhibited at the mukhtiárkárs' kachahrís in the district in which the said property lies, and at such other places as he thinks fit. Copies of notice to be exhibited.

13. Every such claimant shall, along with his claim, present full particulars thereof. Claim to contain full particulars.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the manager along with the claim. Documents to be given up.

If the document be an entry in any book, the claimant shall produce the book to the manager, together with a copy of the entry on which he relies. The manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant. Entries in books.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the manager along with the claim, the manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case. Exclusion of documents not produced.

14. Every such claim (other than claims of the Government) not notified to the manager within the time and in the manner required by such notice shall, except as provided in section 19, clause (*d*), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged. Claim not duly notified to be barred.

Provided that, when proof is made to the manager that the claimant was unable to comply with the provisions of section 12, the manager may receive such claim within the further period of six months from the expiration of the original period of six months. Provision for admission of claims within further period of six months.

15. The manager shall inquire into the history and merits of every claim received under sections 12 and 14, and shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities (if any) justly due to the several claimants. Determination of debts and liabilities.

16. If such amount cannot be paid at once, the manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid, and to fix the interest (if any) to be paid thereon, respectively, Power to rank debts and to fix interest.

from the date of the final decision thereon to the date of the payment and discharge thereof.

Scheme for liquidation.

17. When the total amount of the debts and liabilities (including those due and incurred to Government) has been finally determined, the manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation-scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

Provisions of scheme.

Every such scheme shall further provide for the continuance of the payments to be made by the manager under section 11, and for the repayment of the money (if any) which the manager proposes to borrow from Government under this Act; and may provide for the improvement of the property under management either from the said income or with the aid of the funds raised as aforesaid, or partly in one of such ways and partly in the other.

Proceedings of Commissioner on submission of scheme.

18. The Commissioner may—

(*a*) as often as he thinks fit send back such scheme to the manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme, or

(*b*) sanction any liquidation-scheme or any revised liquidation-scheme submitted to him, either as it stands, or subject to such modifications as he may deem expedient.

Power to relinquish management.

19. At any time before he has sanctioned a liquidation-scheme under section 18, the Commissioner may, by an order published in the Sindh Official Gazette, direct that on a date fixed by such order the management shall be relinquished.

On the date so fixed—

(*a*) the management shall terminate;

(*b*) the owner of the property under management shall be restored to the possession thereof, subject to any leases made under section 10;

(*c*) any residue of the rents and profits of the said property retained under the last clause of section 11 shall be paid to him; and

(*d*) the proceedings, processes, executions and attachments stayed and suspended under section 9, and the debts and liabilities barred by section 14, shall revive.

In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded.

CHAPTER V.

OF THE PROCEEDINGS SUBSEQUENT TO SANCTION OF THE LIQUIDATION-SCHEME [*].

Effects of sanctioning scheme.

20. When the Commissioner sanctions the liquidation-scheme, he shall notify the fact of such sanction at such places and in such manner as the Local Government may from time to time by rule direct; and thereupon—

1st, all proceedings, processes, executions and attachments stayed or suspended under section 9 shall be for ever barred, and

2nd, every debt or liability due or owing to any person which was proveable before the manager shall be extinguished; and such person shall be entitled to receive under the liquidation-scheme the amount (if any) finally awarded to him under Chapter IV of this Act in respect of such debt or liability.

Power to remove mortgagee in possession.

21. If the property under management or any part thereof be in the possession of a mortgagee or conditional vendee, the manager, at any time after the liquidation-scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue-year.

If such incumbrancer refuse or neglect to obey such order, the manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

Nothing in this section shall be held to affect the right of any incumbrancer to receive, under the liquidation-scheme, the amount (if any) awarded to him under Chapter IV of this Act.

Power to inquire into consideration

22. If the property under management or any part thereof be in the possession of any person claiming to hold under a lease dated within the three

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[*] As to power to revise and modify a liquidation-scheme, see Act XI of 1884, s. 10, printed *infra*, p. 260.

given for leases.

years immediately preceding the commencement of the management, the manager, with the sanction of the Commissioner, may inquire into the sufficiency of the consideration for which the lease was given; and, if such consideration appear to him insufficient, may, by order, at any time after the liquidation-scheme has been sanctioned as aforesaid, either set aside the lease or require the person so in possession to pay such consideration for the said lease as the manager thinks fit; and in default of such payment the lease shall be cancelled.

Power to lease.

23. Subject to the rules made under section 31, the manager, after the liquidation-scheme has been sanctioned as aforesaid, shall have power to demise all or any part of the property under management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of the payment to him of any fine, or without fine, and reserving such rents, and under such conditions as may be agreed upon.

Power to raise money by mortgage or sale.

24. At any time after the liquidation-scheme has been sanctioned as aforesaid, the manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for carrying out such scheme—

(*a*) by demising by way of mortgage the whole or any part of the property under management for a term not exceeding twenty years from the publication of the order of management; or

(*b*) by selling, by public auction or by private contract, and upon such terms as the manager thinks fit, such portion of the said property as may appear expedient; or

(*c*) by borrowing money from Government at such rate of interest as appears reasonable to the Local Government.

Separation of part of jágír lands subject to lapse.

[*] **24A.** When jágír land under management is held on this condition, that on the happening of a certain event a share of the land shall lapse, but that it shall be in the discretion of the person then entitled as jágírdár to divide off and relinquish in respect of the lapse such part of the land, being a fair equivalent of that share, as he thinks fit, the manager may, if he deems it convenient for the better exercise of the powers conferred by sections 23 and 24, at any time, after such consultation with persons interested as he thinks necessary, allot by written order, for relinquishment on the hap-

[*] S. 24A was inserted by Act XI of 1884, s. 6, printed *infra*, p. 260.

pening of the event, such part of the land as he thinks fit; and thereupon that part and no other shall, on the happening of the event, be relinquished.

Manager's receipt to be a discharge.

25. The manager's receipt for any moneys, rents or profits raised or received by him under this Act shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

Termination of management.

26. When the debts and liabilities mentioned in the liquidation-scheme and the amount of any loan received from Government under clause (*c*) of section 24, together with the interest (if any) due thereon, have been paid and discharged, the manager shall publish in the Sindh Official Gazette a notice fixing a date for the termination of the management.

Restoration of owner.

On the date so fixed the management shall terminate, and the owner shall be restored to the possession and enjoyment of the property under management, or of such part thereof as has not been sold by the manager under the power conferred by section 24, but subject to the leases and mortgages (if any) granted and made by the manager under the powers conferred by sections 10, 23 and 24.

Death of debtor during management.

27. If the debtor dies after the publication of the order of management and before the management has been terminated in either of the modes hereinbefore provided,—

1st, the management shall continue and proceed in all respects as if such debtor were still living;

2ndly, any person succeeding to the whole or any portion of the property under management shall, while such management continues, be subject in respect of such property to the disabilities imposed by clauses (*b*) and (*c*) of section 9; and

3rdly, no Civil Court [*]or Revenue Court or Office [*] in British India shall, during the continuance of the management, issue any attachment or other process against any portion of the property under management for or in respect of any debt or liability incurred by any such person whether before or after his said succession.

Mortgages, etc., made by restored

28. When a jágírdár or zamíndár has been restored under section 26 to the possession of any property, no mortgage, charge, lease or alienation of such

[*-*] These words were inserted by Act XI of 1884, s. 7, printed *infra*, p 260.

jágírdár valid only for his life.

property, or of any part thereof, made by such jágírdár or zamíndár shall be valid as to any time beyond his natural life.

CHAPTER VI.

Of Appeal and Revision.

Appeal.

29. An appeal against any decision or order under sections 14, 15, 16 and 22, and imposing a fine or imprisonment in exercise of the powers conferred by section 35, shall lie to the Commissioner, if preferred within six weeks from the date of such decision or order.

There shall be no appeal against the decision of the Commissioner on such appeal.

Power to call for proceedings and pass order thereon.

30. The Commissioner may, of his own motion or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon consistent with the provisions of this Act as he thinks fit.

CHAPTER VII.

Miscellaneous.

Power to make rules.

31. The Commissioner, with the previous sanction of the Governor of Bombay in Council, may, from time to time, make rules consistent with this Act—

(*a*) to regulate the security to be required from subordinate officers under this Act;

(*b*) to regulate the procedure in all cases under this Act;

(*c*) for the guidance of officers enquiring into and determining on claims under Chapter IV of this Act; and in particular as to the allowance of interest (if any) on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of the determination down to the date of payment, and as to the order

of paying debts and liabilities and repaying any loan received hereunder from Government;

(*d*) for investing any moneys received or raised by the manager under this Act in any Government securities of British India, and for the sale of such securities; and

(*e*) generally to carry out the provisions of this Act.

Such rules shall be published in the Sindh Official Gazette, and shall thereupon have the force of law.

Power to appoint new manager.

32. Whenever the Commissioner thinks fit, he may suspend or remove any manager, and may appoint any officer in the stead of any manager appointed under this Act; and thereupon the management then vested under this Act in the former manager shall become vested in the new manager.

Every such new manager shall have the same powers as if he had been originally appointed.

Managers to be public servants.

XLV of 1860.

33. Every manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code[a].

Investigation to be deemed a judicial proceeding.

34. Every investigation conducted by the manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code[a].

Power to summon witnesses and compel production of documents.

XIV of 1882.

35. For the purposes of this Act, the manager may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure[b].

Bar of suits.

36. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

Saving of jurisdiction of Courts in Sindh in respect of certain suits.

37. Nothing in this Act precludes the Courts in Sindh having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act from entertaining and disposing of such suits; but to all such suits the manager of such property shall be made a party.

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] This reference to Act X of 1877 should now be read as applying to Act XIV of 1882—secs. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

THE BROACH AND KAIRA INCUMBERED ESTATES ACT, 1881.

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ACT No. XXI OF 1881[a].

Received the Governor General's assent on 7th September, 1881.

An Act to amend the law providing for the relief of Thákurs in the Districts of Broach and Kaira.

Preamble. WHEREAS it is expedient to amend the law providing for the relief of Thákurs in the Districts of Broach and Kaira; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. 1. This Act may be called the Broach and Kaira Incumbered Estates Act, 1881:

Commencement. and it shall come into force on the passing thereof.

Partial repeal of Act XIV of 1877. 2. Act No. XIV of 1877 (*to relieve from Incumbrances the estates of Thákurs in Broach and Kaira*), except the last three sections,[b] is repealed.

But all applications, appointments and rules made, all notices publshied and all other things duly done under the said Act or under Act No. XV of 1871 [c] (*to relieve from Incumbrances the estates of Thákurs in Broach*) shall be deemed to have been respectively made, published and done under this Act.

In section 40[b] of the said Act No. XIV of 1877, for the words "the said Táluqdárí Settlement-officer," the words "the Táluqdárí Settlement-officer men-

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[a] Act XXI of 1881 is not in force in the Páncb Maháls—see Act VII of 1885, s. 2 (*l*), *infra*, p. 261.

[b] Printed *supra*, p. 161.

[c] Act XV of 1871 was repealed by Act XIV of 1877.

tioned in the Broach and Kaira Incumbered Estates Act, 1881, section 7," shall be substituted.

3. In this Act— Interpretation-clause.

"thákur" means also táluqdár, jágírdár and kasbátí, and such other classes of holders of estates as the Local Government may, with the previous sanction of the Governor General in Council, declare to be thákurs for the purposes of this Act:

"heir" means the person for the time being entitled as heir to a thákur:

"Commissioner" means the Revenue Commissioner of the Northern Division of the Presidency of Bombay.

CHAPTER II.

Of the Application and Preliminary Inquiry.

4. At any time within six months after the passing of this Act, any thákur, Application for benefit of Act.

or any person who would be sole heir or one of the heirs to such thákur if he then died intestate, may apply, in writing, to the Commissioner stating that such thákur is subject to debts or liabilities, other than debts due, or liabilities incurred, to Government, or that his immoveable property is charged with debts or liabilities other than as aforesaid, and requesting that the provisions of this Act be applied to his case.

When any thákur or other person entitled to make an application under this section is a minor, or of unsound mind, or an idiot, such application may be made on his behalf by the guardian or other legal curator of his person, or by the legally constituted administrator or manager of his estate.

5. When any such application is made by or on behalf of a thákur, or the person who would be his sole heir if he then died, the Commissioner shall direct an inquiry to be made by such officer as he thinks fit into the nature and amount of such debts and liabilities and the sufficiency of the debtor's property, whether moveable or immoveable, to discharge the same. Order to inquire.

When such an application is made in any other case, it shall be in the discretion of the Commissioner, subject to any general rules which may from time to time be made by the Governor of Bombay in Council in this behalf, either to reject such application or to direct an inquiry to be made as aforesaid.

6. When an inquiry has been directed under section 5, the applicant shall, within a period to be fixed by the Commissioner, submit to the officer appointed Verified statement to be submitted.

to make such inquiry a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plaints, and containing, so far as may be practicable, such details as to the debts and liabilities, and as to the sufficiency of the debtor's property, whether moveable or immoveable, to meet the same, as the Commissioner, or the said officer subject to his control, may require.

False averments in statement.

If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, such person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code[a]. XLV of 1860.

Report of inquiry and proceedings thereon.

7. The officer so appointed, after making inquiry, shall submit a report of his proceedings to the Commissioner.

On receipt of such report, the Commissioner may—

(*a*) direct a further inquiry, or

(*b*) dismiss the application, or

(*c*) by order published in the Bombay Government Gazette, direct that the immoveable property of the debtor shall be managed, and that his debts shall be liquidated, in the manner hereinafter provided, by a manager.

The Táluqdárí Settlement-officer[b] for the time being shall, unless the Local Government in any case otherwise directs, be such manager.

CHAPTER III.

OF THE ORDER OF MANAGEMENT.

"Order of management;" to what it extends.

8. Such order (hereinafter called "the order of management") shall extend to all immoveable property of or to which the debtor is on the date of its publication possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him during the continuance of the management, and to all debts and liabilities to which he is subject or which are charged on the whole or any part of his immoveable property on the said date, and to the amount of any loan which may be received by the manager from Government in the manner hereinafter provided.

Commencement of management.

The management shall be deemed to commence from the date on which the order is published.

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] As to this officer, see Act XIV of 1877, s. 40, *supra*, p. 161.

Effect of order of management.

9. On the publication of the order of management the following consequences shall ensue:

Stay of pending proceedings, etc.

first, all proceedings then pending in any Civil Court in British India in respect to the debts and liabilities mentioned in section 8 shall be stayed; and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended;

Bar of fresh proceedings.

secondly, so long as the management continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any Civil Court in British India in respect of such debts and liabilities;

The debtor incompetent—

thirdly, so long as the management continues, the debtor shall be incompetent—

to contract debts,

(*a*) to enter into any contract involving him in pecuniary liability, or

to incumber or alienate property,

(*b*) to mortgage, charge, lease or alienate the property under management or any part thereof, or

to grant receipts for rent.

(*c*) to grant valid receipts for the rents and profits arising or accruing therefrom:

Provided that nothing contained in this clause shall be deemed to preclude the manager from letting, and the debtor from taking, the whole or any part of such property on such terms consistent with this Act as may be agreed upon between the parties;

fourthly, so long as the management continues, no person other than the manager shall be competent to mortgage, charge, lease or alienate such property or any part thereof.

Manager to have powers of owner and to receive rents and profits;

10. The manager shall, during the management of the property, have all powers which the owner thereof might, as such, have legally exercised, and shall receive and recover all rents and profits due in respect of the property under management;

to have powers of Collector for their recovery.

and for the purpose of recovering such rents and profits shall have, in addition to any powers possessed by a thákur, all the powers possessed by a Collector, under the law for the time being in force, for securing and recovering land-revenue due to Government:

Provided that he shall not, before the liquidation-scheme hereinafter mentioned has been sanctioned, demise the property under management, or any part thereof, for any term exceeding two years, to take effect in possession.

Manager to pay therefrom—

11. From the sums received or recovered under section 10, the manager shall pay—

costs of management and repairs,

first, the costs of the management, including the costs of necessary repairs;

Government revenue, etc.,

secondly, the Government revenue and all debts and liabilities for the time being due or incurred to Government in respect of the property under management;

rent due to superior holder,

thirdly, the rent (if any) due to any superior holder in respect of the said property;

allowance for maintenance and expenses of debtor and family,

fourthly, such periodical allowance as the Commissioner may from time to time fix for the maintenance and other necessary expenses of the debtor and of such members of his family as the Commissioner directs;

cost of improvements, etc.

fifthly, the cost of such improvements of the said property as he thinks necessary, and as are approved by the Commissioner.

Residue how disposed of.

The residue shall be retained by the manager for the liquidation, in manner hereinafter provided, of the debts and liabilities mentioned in section 8, other than those so due or incurred to Government, and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the manager under this Act.

CHAPTER IV.

Proof of Debts and Scheme for Liquidation.

Notice to claimants against debtor.

12. On the publication of the order of management, the manager shall publish in the Bombay Government Gazette a notice in English and Gujráti calling upon all persons having claims against the debtor or the property under management to notify the same in writing to such manager within six months from the date of the publication.

Copies of notice to be exhibited.

He shall also cause copies of such notice to be exhibited at the Mámlatdárs' kacharís in the district in which the said property lies, and at such other places as he thinks fit.

Claim to contain full particulars.

13. Every such claimant shall, along with his claim, present full particulars thereof.

Documents to be given up.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the manager along with the claim.

Entries in books.

If the document be an entry in any book, the claimant shall produce the book to the manager together with a copy of the entry on which he relies. The manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Power to exclude documents not produced with claim.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the manager along with the claim, the manager may refuse to receive such document in evidence on the claimants' behalf at the investigation of the case.

Claim not duly notified to be barred.

14. Every such claim (other than claims of the Government) not notified to the manager within the time and in the manner required by such notice shall, except as provided in section 19, clause (*d*), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Admission of claims within further period of six months.

Provided that, when proof is made to the manager that the claimant was unable to comply with the provisions of section 12, the manager may receive such claim within the further period of six months from the expiration of the original period of six months.

Determination of debts and liabilities.

15. The manager shall enquire into the history and merits of every claim received under sections 12 and 14, and shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities (if any) justly due to the several claimants.

Power to rank debts and to fix interest.

16. If such amount cannot be paid at once, the manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid, and to fix the interest (if any) to be paid thereon, respectively, from the date of the final decision thereon to the date of the payment and discharge thereof.

Scheme for liquidation.

17. When the total amount of the debts and liabilities (including those due and incurred to Government) has been finally determined, the manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation-scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

Provisions of scheme.

Every such scheme shall further provide for the continuance of the payments to be made by the manager under section 11, and for the repayment of the money (if any) which the manager proposes to borrow from Government under this Act, and may provide for the improvement of the property under management either from the said income or with the aid of the funds raised as aforesaid, or partly in one of such ways and partly in the other.

18. The Commissioner may—

Proceedings of Commissioner on submission of scheme.

(*a*) as often as he thinks fit send back such scheme to the manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme, or

(*b*) sanction any liquidation-scheme, or any revised liquidation-scheme, submitted to him, either as it stands, or subject to such modifications as he may deem expedient.

(Chap. IV.—Proof of Debts and Scheme for Liquidation. Sec. 19. Chap. V.—Of the Proceedings subsequent to sanction of the Liquidation-scheme. Secs. 20-21.)

Power to relinquish management.

19. At any time before he has sanctioned a liquidation-scheme under section 18, the Commissioner may, by an order published in the Bombay Government Gazette, direct that on a date fixed by such order the management shall be relinquished.

On the date so fixed—

(*a*) the management shall terminate;

(*b*) the owner of the property under management shall be restored to the possession thereof, subject to any leases made under section 10;

(*c*) any residue of the rents and profits of the said property retained under the last clause of section 11 shall be paid to him; and

(*d*) the proceedings, processes, executions and attachments stayed and suspended under section 9, and the debts and liabilities barred by section 14, shall revive.

In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded.

CHAPTER V.

OF THE PROCEEDINGS SUBSEQUENT TO SANCTION OF THE LIQUIDATION-SCHEME.

Effects of sanctioning scheme.

20. When the Commissioner sanctions the liquidation-scheme, he shall notify the fact of such sanction at such places and in such manner as the Local Government may from time to time by rule direct; and thereupon—

1st, all proceedings, processes, executions and attachments stayed or suspended under section 9 shall be for ever barred, and

2nd, every debt or liability due or owing to any person which was proveable before the manager shall be extinguished, and such person shall be entitled to receive under the liquidation-scheme the amount (if any) finally awarded to him under Chapter IV of this Act in respect of such debt or liability.

Power to remove mortgagee in possession.

21. If the property under management or any part thereof be in the possession of a mortgagee or conditional vendee, the manager, at any time after the liquidation-scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue-year.

If such incumbrancer refuse or neglect to obey such order, the manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

Nothing in this section shall be held to affect the right of any incumbrancer to receive, under the liquidation-scheme, the amount (if any) awarded to him under Chapter IV of this Act.

Power to inquire into consideration given for leases.

22. If the property under management or any part thereof be in the possession of any person claiming to hold under a lease dated within the three years immediately preceding the commencement of the management, the manager may inquire into the sufficiency of the consideration for which the lease was given; and, if such consideration appear to him insufficient, may by order, with the consent of the Commissioner, at any time after the liquidation-scheme has been sanctioned as aforesaid, either set aside the lease or require the person so in possession to pay such consideration for the said lease as the manager thinks fit; and, in default of such payment, the lease shall be cancelled.

Power to lease.

23. Subject to the rules made under section 31, the manager, after the liquidation-scheme has been sanctioned as aforesaid, shall have power to demise all or any part of the property under management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of the payment to him of any fine, or without fine, and reserving such rents, and under such conditions, as may be agreed upon.

Power to raise money by mortgage or sale.

24. At any time after the liquidation-scheme has been sanctioned as aforesaid, the manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for carrying out such scheme—

(*a*) by mortgaging the whole or any part of the property under management for a term not exceeding twenty years from the publication of the order of management; or

(*b*) by charging the whole or any part of such property; or

(*c*) by selling, by public auction or by private contract, and upon such terms as the manager thinks fit, such portion of the said property as may appear expedient; or

(*d*) by borrowing money from Government at such rate of interest as appears reasonable to the Local Government.

Manager's receipt a discharge.

25. The manager's receipt for any moneys, rents or profits raised or received by him under this Act shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

Termination of management.

26. When the debts and liabilities mentioned in the liquidation-scheme and the amount of any loan received from Government under clause (*d*) of section 24, together with the interest (if any) due thereon, have been paid and discharged as therein provided, or in such other manner as the Commissioner thinks fit, the manager shall publish in the Bombay Government Gazette a notice fixing a date for the termination of the management.

Restoration of owner.

On the date so fixed the management shall terminate, and the owner shall be restored to the possession and enjoyment of the property under management, or of such part thereof as has not been sold by the manager under the power conferred by section 24, but subject to the leases and mortgages (if any) granted and made by the manager under the powers conferred by sections 10, 23 and 24.

Death of debtor during management.

27. If the debtor dies after the publication of the order of management and before the management has been terminated in either of the modes hereinbefore provided,—

1st, the management shall continue and proceed in all respects as if such debtor were still living;

2ndly, any person succeeding to the whole or any portion of the property under management shall, while such management continues, be subject in respect of such property to the disabilities imposed by clauses (*b*) and (*c*) of section 9; and

3rdly, no Civil Court in British India shall, during the continuance of the management, issue any attachment or other process against any portion of the property under management, for or in respect of any debt or liability incurred by any such person whether before or after his said succession.

Mortgages, etc., made by restored thákur valid only for his life.

28. When a thákur has been restored under section 26 to the possession of any property, no mortgage, charge, lease or alienation of such property, or of any part thereof, made by such thákur, shall be valid as to any time beyond his natural life.

CHAPTER VI.

Of Appeal and Revision.

Appeal.

29. An appeal against any decision or order under sections 14, 15, 16 and 22, or imposing a fine or imprisonment in exercise of the powers conferred by section 35, shall lie to the Commissioner, if preferred within six weeks from the date of such decision or order.

There shall be no appeal against the decision of the Commissioner on such appeal.

Power to call for proceedings and pass order thereon.

30. The Commissioner may, of his own motion or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon consistent with the provisions of this Act as he thinks fit.

CHAPTER VII.

MISCELLANEOUS.

Power to make rules.

31. The Local Government may, from time to time, make rules consistent with this Act—

(*a*) to regulate the security to be required from subordinate officers under this Act;

(*b*) to regulate the procedure in all cases under this Act;

(*c*) for the guidance of officers enquiring into and determining on claims under Chapter IV of this Act; and in particular as to the allowance of interest (if any) on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of the determination down to the date of payment, and as to the order of paying debts and liabilities and repaying any loan received hereunder from Government;

(*d*) for investing any moneys received or raised by the manager under this Act in any Government securities of British India, and for the sale of such securities; and

(*e*) generally to carry out the provisions of this Act.

Such rules shall be published in the Bombay Government Gazette, and when so published shall have the force of law.

Power to appoint new manager.

32. The Local Government may suspend or remove any manager, and may appoint any officer in the stead of any manager appointed under this Act; and thereupon the management then vested under this Act in the former manager shall become vested in the new manager.

Every such new manager shall have the same powers as if he had been originally appointed.

Managers and their agents to be public servants.

33. Every manager appointed under this Act and every agent of such manager shall be deemed a public servant within the meaning of the Indian Penal Code[a]. XLV of 1860.

Investigation a judicial proceeding.

34. Every investigation conducted by the manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code[a].

Power to summon witnesses and compel production of documents.

35. For the purposes of this Act, the manager and any officer making an inquiry under section 5 may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents by the same means and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure[b]. XIV of 1882.

Bar of suits.

36. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

Saving of jurisdiction of Courts in Broach and Kaira in respect of certain suits.

37. Nothing in this Act precludes the Courts in Broach and Kaira having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act from entertaining and disposing of such suits; but to all such suits the manager of such property shall be made a party.

Exemption of certain thákurs from certain provisions of Act.

38. Nothing in section 9 shall be deemed to render any of the following thákurs, namely, the thákur of Ahmod, the thákur of Sarod, the thákur of Kerwára, the thákur of Dehej, and the thákur of Janiádra, incompetent to enter into contracts involving him in pecuniary liability, nor shall anything in section 28 apply to any of the said thákurs:

Provided that, if any such thákur has, since the scheme for the settlement of his debts and liabilities was approved under section 11 of the said Act No. XV of 1871[c], entered into any contract involving him in pecuniary liability exceeding the average annual income derived during the previous five years from his immoveable property after deducting therefrom the land-tax and other dues of Government, the Local Government may, by notification in the Bombay Government Gazette, declare that the exemption made by the former part of this section shall cease in his case, and thereupon such exemption shall cease accordingly.

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] This reference to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

[c] Act XV of 1871 was repealed by Act XIV of 1877.

ACT No. XXIII OF 1881.

Received the Governor General's assent on 26th October, 1881.

An Act to amend the Dekkhan Agriculturists' Relief Act, 1879.

Preamble.

WHEREAS it is expedient to amend, in manner hereinafter appearing, the Dekkhan Agriculturists' Relief Act, 1879 (XVII of 1879); It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called the Dekkhan Agriculturists' Relief Act, 1881[a]; and it shall come into force at once.

"Section."

2. In this Act "section" means a section of the Dekkhan Agriculturists' Relief Act, 1879 (XVII of 1879).

Amendment of section 1.

3. In section 1, before the word "Sections" the words "This section and" shall be, and be deemed to have always been, inserted.

4. [*Amendment of section 2, clause (2).*] *Repealed by Act XII of 1891.*

5. [*Repeal of parts of sections 3 and 12.*] *Repealed by Act XII of 1891.*

Amendment of section 19.

6. In section 19, first clause, for the words "there is no other claim against him," the words "the other debts (if any) due by him do not, taken together with such sum, amount to fifty rupees," shall be substituted; and to the same clause the words "of such sum" shall be added.

Addition to section 38.

7. To section 38 the following shall be added:—

[Printed *supra*, p. 187.]

Amendment of section 44.

[b]8. In section 44, for the word "place" the word "táluqá" shall be substituted.

Addition to section 47.

9. To section 47 the following shall be added, namely:—

[Printed *supra*, p. 189.]

New section substituted for section 48.

10. For section 48 the following section shall be substituted:—

[Printed *supra*, p. 189.]

New section substituted for section 51.

11. For section 51 the following section shall be substituted:—

[Printed *supra*, p. 190.]

Addition to section 56.

12. To section 56 the following shall be added, namely:—

[Printed *supra*, p. 192.]

New section substituted for section 57.

13. For section 57 the following section shall be substituted:—

[Printed *supra*, p. 193.]

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[a] Acts XVII of 1879, XXIII of 1881 and XXII of 1882 may be cited collectively as the Dekkhan Agriculturists' Relief Act, 1879 to 1882—see Act XXII of 1882, s. 1 (*1*), *infra*, p. 258. The Acts of 1879 to 1882 and Act XXIII of 1886 may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886—see Act XXIII of 1886, s. 1 (*1*), *infra*, p. 262.

[b] S. 8 is superseded by Act XXII of 1882, s. 11, *infra*, p. 259.

Amendment of section 58.

14. In section 58, for the words "parties to any instrument have executed it" the words "intending executants have executed any instrument" shall be substituted.

New section substituted for section 68.

15. For section 68 the following section shall be substituted:—
[Printed *supra*, p. 196.]

16. [*Repeal of section 71.*] *Repealed by Act XII of 1891.*

New section substituted for section 72.

17. For section 72 the following section shall be substituted:—
[Printed *supra*, p. 197.]

THE INDIAN EASEMENTS ACT, 1882.

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ACT No. V of 1882.

Received the Governor General's assent on 17th February, 1882.

An Act to define and amend the law relating to Easements and Licenses.

Preamble. Whereas it is expedient to define and amend the law relating to Easements and Licenses; It is hereby enacted as follows:—

Preliminary.

Short title. 1. This Act may be called the Indian Easements Act, 1882:

It extends [a] to the territories respectively administered by the Governor of Madras in Council and the Chief Commissioners of the Central Provinces and Coorg; Local extent.

and it shall come into force on the first day of July, 1882. Commencement.

2. Nothing herein contained shall be deemed to affect any law not hereby expressly repealed; or to derogate from— Savings.

(*a*) any right of the Government to regulate the collection, retention and distribution of the water of rivers and streams flowing in natural channels, and of natural lakes and ponds, or of the water flowing, collected, retained or distributed in or by any channel or other work constructed at the public expense for irrigation;

(*b*) any customary or other right (not being a license) in or over immoveable property which the Government, the public or any person may possess irrespective of other immoveable property; or

(*c*) any right acquired, or arising out of a relation created, before this Act comes into force.

XV of 1877. 3. Sections 26 and 27 of the Indian Limitation Act, 1877[b], and the definition of "easement" contained in that Act, are repealed in the territories to which this Act extends. All references in any Act or Regulation to the said sections, or to sections 27 and 28 of Act No. IX of 1871[c], shall in such territories be read as made to sections 15 and 16 of this Act. Repeal of parts of the Indian Limitation Act, 1877.

CHAPTER I.

OF EASEMENTS GENERALLY.

4. An easement is a right which the owner or occupier of certain land possesses as such for the beneficial enjoyment of that land, to do and continue to do something, or to prevent and continue to prevent something being done, in or upon, or in respect of, certain other land not his own. "Easement" defined.

The land for the beneficial enjoyment of which the right exists is called the dominant heritage, and the owner or occupier thereof the dominant owner; the land on which the liability is imposed is called the servient heritage, and the owner or occupier thereof the servient owner. Dominant and servient heritages and owners.

Explanation.—In the first and second clauses of this section, the expression "land" includes also things permanently attached to the earth: the expres-

[a] Act V of 1882 was extended to the territories administered by the Governor of Bombay in Council by Act VIII of 1891, printed *infra*, p. 267.

[b] For Act XV of 1877 see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department.

[c] Act IX of 1871 was repealed by Act XV of 1877.

sion "beneficial enjoyment" includes also possible convenience, remote advantage, and even a mere amenity; and the expression "to do something" includes removal and appropriation by the dominant owner, for the beneficial enjoyment of the dominant heritage, of any part of the soil of the servient heritage or anything growing or subsisting thereon.

Illustrations.

(*a*) A, as the owner of a certain house, has a right of way thither over his neighbour B's land for purposes connected with the beneficial enjoyment of the house. This is an easement.

(*b*) A, as the owner of a certain house, has the right to go on his neighbour B's land, and to take water for the purposes of his household out of a spring therein. This is an easement.

(*c*) A, as the owner of a certain house, has the right to conduct water from B's stream to supply the fountains in the garden attached to the house. This is an easement.

(*d*) A, as the owner of a certain house and farm, has the right to graze a certain number of his own cattle on B's field, or to take, for the purpose of being used in the house, by himself, his family, guests, lodgers and servants, water or fish out of C's tank, or timber out of D's wood, or to use, for the purpose of manuring his land, the leaves which have fallen from the trees on E's land. These are easements.

(*e*) A dedicates to the public the right to occupy the surface of certain land for the purpose of passing and re-passing. This right is not an easement.

(*f*) A is bound to cleanse a watercourse running through his land and keep it free from obstruction for the benefit of B, a lower riparian owner. This is not an easement.

Continuous and discontinuous, apparent and non-apparent, easements.

5. Easements are either continuous or discontinuous, apparent or non-apparent.

A continuous easement is one whose enjoyment is, or may be, continual without the act of man.

A discontinuous easement is one that needs the act of man for its enjoyment.

An apparent easement is one the existence of which is shown by some permanent sign which, upon careful inspection by a competent person, would be visible to him.

A non-apparent easement is one that has no such sign.

Illustrations.

(*a*) A right annexed to B's house to receive light by the windows without obstruction by his neighbour A. This is a continuous easement.

(*b*) A right of way annexed to A's house over B's land. This is a discontinuous easement.

(*c*) Rights annexed to A's land to lead water thither across B's land by an aqueduct and to draw off water thence by a drain. The drain would be discovered upon careful inspection by a person conversant with such matters. These are apparent easements.

(*d*) A right annexed to A's house to prevent B from building on his own land. This is a non-apparent easement.

Easement for limited time or on condition.

6. An easement may be permanent, or for a term of years or other limited period, or subject to periodical interruption, or exercisable only at a certain place or at certain times, or between certain hours, or for a particular purpose, or on condition that it shall commence or become void or voidable on the happening of a specified event or the performance or non-performance of a specified act.

Easements restrictive of certain rights.

7. Easements are restrictions of one or other of the following rights (namely) :—

Exclusive right to enjoy.

(*a*) The exclusive right of every owner of immoveable property (subject to any law for the time being in force) to enjoy and dispose of the same and all products thereof and accessions thereto.

Rights to advantages arising from situation.

(*b*) The right of every owner of immoveable property (subject to any law for the time being in force) to enjoy without disturbance by another the natural advantages arising from its situation.

Illustrations of the rights above referred to.

(*a*) The exclusive right of every owner of land in a town to build on such land, subject to any municipal law for the time being in force.

(*b*) The right of every owner of land that the air passing thereto shall not be unreasonably polluted by other persons.

(*c*) The right of every owner of a house that his physical comfort shall not be interfered with materially and unreasonably by noise or vibration caused by any other person.

(*d*) The right of every owner of land to so much light and air as pass vertically thereto.

(*e*) The right of every owner of land that such land, in its natural condition, shall have the support naturally rendered by the subjacent and adjacent soil of another person.

Explanation.—Land is in its natural condition when it is not excavated and not subjected to artificial pressure; and the "subjacent and adjacent soil" mentioned in this illustration means such soil only as in its natural condition would support the dominant heritage in its natural condition.

(*f*) The right of every owner of land that, within his own limits, the water which naturally passes or percolates by, over or through his land shall not, before so passing or percolating, be unreasonably polluted by other persons.

(*g*) The right of every owner of land to collect and dispose within his own limits of all water under the land which does not pass in a defined channel and all water on its surface which does not pass in a defined channel.

(*h*) The right of every owner of land that the water of every natural stream which passes by, through or over his land in a defined natural channel shall be allowed by other persons to flow within such owner's limits without interruption and without material alteration in quantity, direction, force or temperature; the right of every owner of land abutting on a natural lake or pond into or out of which a natural stream flows, that the water of such lake or pond shall be allowed by other persons to remain within such owner's limits without material alteration in quantity or temperature.

(*i*) The right of every owner of upper land that water naturally rising in or falling on such land, and not passing in defined channels, shall be allowed by the owner of adjacent lower land to run naturally thereto.

(*j*) The right of every owner of land abutting on a natural stream, lake or pond to use and consume its water for drinking, household purposes and watering his cattle and sheep, and the right of every such owner to use and consume the water for irrigating such land, and for the purposes of any manufactory situate thereon, provided that he does not thereby cause material injury to other like owners.

Explanation.—A natural stream is a stream, whether permanent or intermittent, tidal or tideless, on the surface of land or underground, which flows by the operation of nature only and in a natural and known course.

CHAPTER II.

The Imposition, Acquisition and Transfer of Easements.

Who may impose easements.

8. An easement may be imposed by any one in the circumstances, and to the extent in and to which he may transfer his interest in the heritage on which the liability is to be imposed.

Illustrations.

(*a*) A is a tenant of B's land under a lease for an unexpired term of twenty years, and has power to transfer his interest under the lease. A may impose an easement on the land to continue during the time that the lease exists or for any shorter period.

(*b*) A is tenant for his life of certain land with remainder to B absolutely. A cannot, unless with B's consent, impose an easement thereon which will continue after the determination of his life-interest.

(*c*) A, B and C are co-owners of certain land. A cannot, without the consent of B and C, impose an easement on the land or on any part thereof.

(*d*) A and B are lessees of the same lessor, A of a field X for a term of five years, and B of a field Y for a term of ten years. A's interest under his lease is transferable; B's is not. A may impose on X, in favour of B, a right of way terminable with A's lease.

Servient owners.

9. Subject to the provisions of section 8, a servient owner may impose on the servient heritage any easement that does not lessen the utility of the existing easement. But he cannot, without the consent of the dominant owner, impose an easement on the servient heritage which would lessen such utility.

Illustrations.

(*a*) A has, in respect of his mill, a right to the uninterrupted flow thereto, from sunrise to noon, of the water of B's stream. B may grant to C the right to divert the water of the stream from noon to sunset: provided that A's supply is not thereby diminished.

(*b*) A has, in respect of his house, a right of way over B's land. B may grant to C, as the owner of a neighbouring farm, the right to feed his cattle on the grass growing on the way: provided that A's right of way is not thereby obstructed.

(Chap. II.—The Imposition, Acquisition and Transfer of Easements. Secs. 10-13.)

Lessor and mortgagor.

10. Subject to the provisions of section 8, a lessor may impose, on the property leased, any easement that does not derogate from the rights of the lessee as such, and a mortgagor may impose, on the property mortgaged, any easement that does not render the security insufficient. But a lessor or mortgagor cannot, without the consent of the lessee or mortgagee, impose any other easement on such property, unless it be to take effect on the termination of the lease or the redemption of the mortgage.

Explanation.—A security is insufficient within the meaning of this section unless the value of the mortgaged property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the amount for the time being due on the mortgage.

Lessee.

11. No lessee or other person having a derivative interest may impose on the property held by him as such an easement to take effect after the expiration of his own interest, or in derogation of the right of the lessor or the superior proprietor.

Who may acquire easements.

12. An easement may be acquired by the owner of the immoveable property for the beneficial enjoyment of which the right is created, or on his behalf, by any person in possession of the same.

One of two or more co-owners of immoveable property may, as such, with or without the consent of the other or others, acquire an easement for the beneficial enjoyment of such property.

No lessee of immoveable property can acquire, for the beneficial enjoyment of other immoveable property of his own, an easement in or over the property comprised in his lease.

Easements of necessity and *quasi* easements.

13. Where one person transfers or bequeaths immoveable property to another,—

(*a*) if an easement in other immoveable property of the transferor or testator is necessary for enjoying the subject of the transfer or bequest, the transferee or legatee shall be entitled to such easement; or,

(*b*) if such an easement is apparent and continuous and necessary for enjoying the said subject as it was enjoyed when the transfer or bequest took effect, the transferee or legatee shall, unless a different intention is expressed or necessarily implied, be entitled to such easement;

(*c*) if an easement in the subject of the transfer or bequest is necessary for enjoying other immoveable property of the transferor or testator, the transferor or the legal representative of the testator shall be entitled to such easement; or

(*d*) if such an easement is apparent and continuous and necessary for

enjoying the said property as it was enjoyed when the transfer or bequest took effect, the transferor, or the legal representative of the testator, shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

Where a partition is made of the joint property of several persons,—

(*e*) if an easement over the share of one of them is necessary for enjoying the share of another of them, the latter shall be entitled to such easement, or,

(*f*) if such an easement is apparent and continuous and necessary for enjoying the share of the latter as it was enjoyed when the partition took effect, he shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

The easements mentioned in this section, clauses (*a*), (*c*) and (*e*), are called easements of necessity.

Where immoveable property passes by operation of law, the persons from and to whom it so passes are, for the purpose of this section, to be deemed, respectively, the transferor and transferee.

Illustrations.

(*a*) A sells B a field then used for agricultural purposes only. It is inaccessible except by passing over A's adjoining land or by trespassing on the land of a stranger. B is entitled to a right of way, for agricultural purposes only, over A's adjoining land to the field sold.

(*b*) A, the owner of two fields, sells one to B, and retains the other. The field retained was at the date of the sale used for agricultural purposes only and is inaccessible except by passing over the field sold to B. A is entitled to a right of way, for agricultural purposes only, over B's field to the field retained.

(*c*) A sells B a house with windows overlooking A's land, which A retains. The light which passes over A's land to the windows is necessary for enjoying the house as it was enjoyed when the sale took effect. B is entitled to the light, and A cannot afterwards obstruct it by building on his land.

(*d*) A sells B a house with windows overlooking A's land. The light passing over A's land to the windows is necessary for enjoying the house as it was enjoyed when the sale took effect. Afterwards A sells the land to C. Here C cannot obstruct the light by building on the land, for he takes it subject to the burdens to which it was subject in A's hands.

(*e*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A simultaneously sells the house to B and the land to C. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale took effect. Here A impliedly grants B a right to the light, and C takes the land subject to the restriction that he may not build so as to obstruct such light.

(*f*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A, retaining the house, sells the land to B, without expressly reserving any ease-

ment. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale took effect. A is entitled to the light, and B cannot build on the land so as to obstruct such light.

(*g*) A, the owner of a house, sells B a factory built on adjoining land. B is entitled, as against A, to pollute the air, when necessary, with smoke and vapours from the factory.

(*h*) A, the owner of two adjoining houses, Y and Z, sells Y to B, and retains Z. B is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Y as it was enjoyed when the sale took effect, and A is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Z as it was enjoyed when the sale took effect.

(*i*) A, the owner of two adjoining buildings, sells one to B, retaining the other. B is entitled to a right to lateral support from A's building, and A is entitled to a right to lateral support from B's building.

(*j*) A, the owner of two adjoining buildings, sells one to B, and the other to C. C is entitled to lateral support from B's building, and B is entitled to lateral support from C's building.

(*k*) A grants lands to B for the purpose of building a house thereon. B is entitled to such amount of lateral and subjacent support from A's land as is necessary for the safety of the house.

1 of 1894. (*l*) Under the Land Acquisition Act, 1894[ ], a Railway Company compulsorily acquires a portion of B's land for the purpose of making a siding. The Company is entitled to such amount of lateral support from B's adjoining land as is essential for the safety of the siding.

(*m*) Owing to the partition of joint property, A becomes the owner of an upper room in a building, and B becomes the owner of the portion of the building immediately beneath it. A is entitled to such, amount of vertical support from B's portion as is essential for the safety of the upper room.

(*n*) A lets a house and grounds to B for a particular business. B has no access to them other than by crossing A's land. B is entitled to a right of way over that land suitable to the business to be carried on by B in the house and grounds.

Direction of way of necessity.

14. When [b]a right [b] to a way of necessity is created under section 13, the transferor, the legal representative of the testator or the owner of the share over which the right is exercised, as the case may be, is entitled to set out the way; but it must be reasonably convenient for the dominant owner.

When the person so entitled to set out the way refuses or neglects to do so, the dominant owner may set it out.

Acquisition by prescription.

15. Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, without interruption, and for twenty years,

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[a] The reference to Act X of 1870 is altered in accordance with Act I of 1894, s. 2.

[b-b] These words were substituted for the original word by Act XII of 1891.

and where support from one person's land, or things affixed thereto, has been peaceably received by another person's land subjected to artificial pressure, or by things affixed thereto, as an easement, without interruption, and for twenty years,

and where a right of way or any other easement has been peaceably and openly enjoyed by any person claiming title thereto, as an easement, and as of right, without interruption, and for twenty years,

the right to such access and use of light or air support or other easement shall be absolute.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

Explanation I.—Nothing is an enjoyment within the meaning of this section when it has been had in pursuance of an agreement with the owner or occupier of the property over which the right is claimed, and it is apparent from the agreement that such right has not been granted as an easement, or, if granted as an easement, that it has been granted for a limited period, or subject to a condition on the fulfilment of which it is to cease.

Explanation II.—Nothing is an interruption within the meaning of this section unless where there is an actual cessation of the enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Explanation III.—Suspension of enjoyment in pursuance of a contract between the dominant and servient owners is not an interruption within the meaning of this section.

Explanation IV.—In the case of an easement to pollute water, the said period of twenty years begins when the pollution first prejudices perceptibly the servient heritage.

When the property over which a right is claimed under this section belongs to Government, this section shall be read as if, for the words "twenty years" the words "sixty years" were substituted.

Illustrations.

(*a*) A suit is brought in 1883 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption, from 1st January, 1862, to 1st January, 1882. The plaintiff is entitled to judgment.

(*b*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that for a year of that time the plaintiff was entitled to possession of the servient heritage as lessee thereof, and enjoyed the right as such lessee. The suit shall be dismissed, for the right of way has not been enjoyed "as an easement" for twenty years.

(*c*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had admitted that the user was not of right, and asked his leave to enjoy the right. The suit shall be dismissed, for the right of way has not been enjoyed "as of right" for twenty years.

Exclusion in favour of reversioner of servient heritage.

16. Provided that, when any land upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the said last-mentioned period of twenty years, in case the claim is within three years next after the determination of such interest or term resisted by the person entitled, on such determination, to the said land.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years, but B shows that during ten of these years C had a life-interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Rights which cannot be acquired by prescription.

17. Easements acquired under section 15 are said to be acquired by prescription, and are called prescriptive rights.

None of the following rights can be so acquired :—

(*a*) a right which would tend to the total destruction of the subject of the right, or the property on which, if the acquisition were made, liability would be imposed;

(*b*) a right to the free passage of light or air to an open space of ground;

(*c*) a right to surface-water not flowing in a stream and not permanently collected in a pool, tank or otherwise;

(*d*) a right to underground water not passing in a defined channel.

Customary easements.

18. An easement may be acquired in virtue of a local custom. Such easements are called customary easements.

Illustrations.

(*a*) By the custom of a certain village every cultivator of village land is entitled, as such

to graze his cattle on the common pasture. A having become the tenant of a plot of uncultivated land in the village breaks up and cultivates that plot. He thereby acquires an easement to graze his cattle in accordance with the custom.

(*b*) By the custom of a certain town no owner or occupier of a house can open a new window therein so as substantially to invade his neighbour's privacy. A builds a house in the town near B's house. A thereupon acquires an easement that B shall not open new windows in his house so as to command a view of the portions of A's house which are ordinarily excluded from observation, and B acquires a like easement with respect to A's house.

Transfer of dominant heritage passes easement.

19. Where the dominant heritage is transferred or devolves, by act of parties or by operation of law, the transfer or devolution shall, unless a contrary intention appears, be deemed to pass the easement to the person in whose favour the transfer or devolution takes place.

Illustration.

A has certain land to which a right of way is annexed. A lets the land to B for twenty years. The right of way vests in B and his legal representative so long as the lease continues.

CHAPTER III.

The Incidents of Easements.

Rules controlled by contract or title.

20. The rules contained in this Chapter are controlled by any contract between the dominant and servient owners relating to the servient heritage, and by the provisions of the instrument or decree, if any, by which the easement referred to was imposed.

Incidents of customary easements.

And, when any incident of any customary easement is inconsistent with such rules, nothing in this Chapter shall affect such incident.

Bar to use unconnected with enjoyment.

21. An easement must not be used for any purpose not connected with the enjoyment of the dominant heritage.

Illustrations.

(*a*) A, as owner of a farm Y, has a right of way over B's land to Y. Lying beyond Y, A has another farm Z, the beneficial enjoyment of which is not necessary for the beneficial enjoyment of Y. He must not use the easement for the purpose of passing to and from Z.

(*b*) A, as owner of a certain house, has a right of way to and from it. For the purpose of passing to and from the house, the right may be used, not only by A, but by the members of his family, his guests, lodgers, servants, workmen, visitors and customers; for this is a purpose connected with the enjoyment of the dominant heritage. So, if A lets the house, he may use the right of way for the purpose of collecting the rent and seeing that the house is kept in repair.

Exercise of

22. The dominant owner must exercise his right in the mode which is

least onerous to the servient owner; and, when the exercise of an easement can without detriment to the dominant owner be confined to a determinate part of the servient heritage, such exercise shall, at the request of the servient owner, be so confined. Confinement of exercise of easement.

Illustrations.

(*a*) A has a right of way over B's field. A must enter the way at either end, and not at any intermediate point.

(*b*) A has a right annexed to his house to cut thatching-grass in B's swamp. A, when exercising his easement, must cut the grass so that the plants may not be destroyed.

23. Subject to the provisions of section 22, the dominant owner may, from time to time, alter the mode and place of enjoying the easement, provided that he does not thereby impose any additional burden on the servient heritage. Right to alter mode of enjoyment.

Exception.—The dominant owner of a right of way cannot vary his line of passage at pleasure, even though he does not thereby impose any additional burden on the servient heritage.

Illustrations.

(*a*) A, the owner of a saw-mill, has a right to a flow of water sufficient to work the mill. He may convert the saw-mill into a corn-mill, provided that it can be worked by the same amount of water.

(*b*) A has a right to discharge on B's land the rain-water from the eaves of A's house. This does not entitle A to advance his eaves if, by so doing, he imposes a greater burden on B's land.

(*c*) A, as the owner of a paper-mill, acquires a right to pollute a stream by pouring in the refuse-liquor produced by making in the mill paper from rags. He may pollute the stream by pouring in similar liquor produced by making in the mill paper by a new process from bamboos, provided that he does not substantially increase the amount, or injuriously change the nature, of the pollution.

(*d*) A, a riparian owner, acquires, as against the lower riparian owners, a prescriptive right to pollute a stream by throwing sawdust into it. This does not entitle A to pollute the stream by discharging into it poisonous liquor.

24. The dominant owner is entitled, as against the servient owner, to do all acts necessary to secure the full enjoyment of the easement[*]; but such acts must be done at such time and in such manner as, without detriment to the dominant owner, to cause the servient owner as little inconvenience as possible; and the dominant owner must repair, as far as practicable, the damage (if any) caused by the act to the servient heritage. Right to do acts to secure enjoyment.

Rights to do acts necessary to secure the full enjoyment of an easement are called accessory rights. Accessory rights.

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[*] But see s. 36, *infra*, as to abatement of obstruction of easement.

Illustrations.

(*a*) A has an easement to lay pipes in B's land to convey water to A's cistern. A may enter and dig the land in order to mend the pipes, but he must restore the surface to its original state.

(*b*) A has an easement of a drain through B's land. The sewer with which the drain communicates is altered. A may enter upon B's land and alter the drain, to adapt it to the new sewer, provided that he does not thereby impose any additional burden on B's land.

(*c*) A, as owner of a certain house, has a right of way over B's land. The way is out of repair, or a tree is blown down and falls across it. A may enter on B's land and repair the way or remove the tree from it.

(*d*) A, as owner of a certain field, has a right of way over B's land. B renders the way impassable. A may deviate from the way and pass over the adjoining land of B, provided that the deviation is reasonable.

(*e*) A, as owner of a certain house, has a right of way over B's field. A may remove rocks to make the way.

(*f*) A has an easement of support from B's wall. The wall gives way. A may enter upon B's land and repair the wall.

(*g*) A has an easement to have his land flooded by means of a dam in B's stream. The dam is half swept away by an inundation. A may enter upon B's land and repair the dam.

Liability for expenses necessary for preservation of easement.

25. The expenses incurred in constructing works, or making repairs, or doing any other act necessary for the use or preservation of an easement, must be defrayed by the dominant owner.

Liability for damage from want of repair.

26. Where an easement is enjoyed by means of an artificial work, the dominant owner is liable to make compensation for any damage to the servient heritage arising from the want of repair of such work[a].

Servient owner not bound to do anything.

27. The servient owner is not bound to do anything for the benefit of the dominant heritage, and he is entitled, as against the dominant owner, to use the servient heritage in any way consistent with the enjoyment of the easement: but he must not do any act tending to restrict the easement or to render its exercise less convenient.

Illustrations.

(*a*) A, as owner of a house, has a right to lead water and send sewage through B's land. B is not bound as servient owner to clear the watercourse or scour the sewer.

(*b*) A grants a right of way through his land to B as owner of a field. A may feed his cattle on grass growing on the way, provided that B's right of way is not thereby obstructed; but he must not build a wall at the end of his land so as to prevent B from going beyond it,

[a] But see s. 50, *infra*, as to extinguishment or suspension of easement.

nor must he narrow the way so as to render the exercise of the right less easy than it was at the date of the grant.

(*c*) A, in respect of his house, is entitled to an easement of support from B's wall. B is not bound as servient owner to keep the wall standing and in repair. But he must not pull down or weaken the wall so as to make it incapable of rendering the necessary support.

(*d*) A, in respect of his mill, is entitled to a watercourse through B's land. B must not drive stakes so as to obstruct the watercourse.

(*e*) A, in respect of his house, is entitled to a certain quantity of light passing over B's land. B must not plant trees so as to obstruct the passage to A's windows of that quantity of light.

Extent of easements.

28. With respect to the extent of easements and the mode of their enjoyment, the following provisions shall take effect :—

Easement of necessity.

An easement of necessity is co-extensive with the necessity as it existed when the easement was imposed.

Other easements—

The extent of any other easement and the mode of its enjoyment must be fixed with reference to the probable intention of the parties, and the purpose for which the right was imposed or acquired.

In the absence of evidence as to such intention and purpose—

right of way;

(*a*) a right of way of any one kind does not include a right of way of any other kind ;

right to light or air acquired by grant;

(*b*) the extent of a right to the passage of light or air to a certain window, door or other opening, imposed by a testamentary or non-testamentary instrument, is the quantity of light or air that entered the opening at the time the testator died or the non-testamentary instrument was made ;

prescriptive right to light or air;

(*c*) the extent of a prescriptive right to the passage of light or air to a certain window, door or other opening is that quantity of light or air which has been accustomed to enter that opening during the whole of the prescriptive period irrespectively of the purposes for which it has been used ;

prescriptive right to pollute air or water;

(*d*) the extent of a prescriptive right to pollute air or water is the extent of the pollution at the commencement of the period of user on completion of which the right arose ; and

other prescriptive rights.

(*e*) the extent of every other prescriptive right and the mode of its enjoyment must be determined by the accustomed user of the right.

Increase of easement.

29. The dominant owner cannot, by merely altering or adding to the dominant heritage, substantially increase an easement.

Where an easement has been granted or bequeathed so that its extent shall be proportionate to the extent of the dominant heritage, if the dominant heritage is increased by alluvion, the easement is proportionately increased, and, if the

dominant heritage is diminished by diluvion, the easement is proportionately diminished.

Save as aforesaid, no easement is affected by any change in the extent of the dominant or the servient heritage.

Illustrations.

(*a*) A, the owner of a mill, has acquired a prescriptive right to divert to his mill part of the water of a stream. A alters the machinery of his mill. He cannot thereby increase his right to divert water.

(*b*) A has acquired an easement to pollute a stream by carrying on a manufacture on its banks by which a certain quantity of foul matter is discharged into it. A extends his works and thereby increases the quantity discharged. He is responsible to the lower riparian owners for injury done by such increase.

(*c*) A, as the owner of a farm, has a right to take, for the purpose of manuring his farm, leaves which have fallen from the trees on B's land. A buys a field and unites it to his farm. A is not thereby entitled to take leaves to manure this field.

Partition of dominant heritage.

30. Where a dominant heritage is divided between two or more persons, the easement becomes annexed to each of the shares, but not so as to increase substantially the burden on the servient heritage: Provided that such annexation is consistent with the terms of the instrument, decree or revenue-proceeding (if any) under which the division was made, and, in the case of prescriptive rights, with the user during the prescriptive period.

Illustrations.

(*a*) A house to which a right of way by a particular path is annexed is divided into two parts, one of which is granted to A, the other to B. Each is entitled, in respect of his part, to a right of way by the same path.

(*b*) A house to which is annexed the right of drawing water from a well to the extent of fifty buckets a day is divided into two distinct heritages, one of which is granted to A, the other to B. A and B are each entitled, in respect of his heritage, to draw from the well fifty buckets a day; but the amount drawn by both must not exceed fifty buckets a day.

(*c*) A, having in respect of his house an easement of light, divides the house into three distinct heritages. Each of these continues to have the right to have its windows unobstructed.

Obstruction in case of excessive user.

31. In the case of excessive user of an easement the servient owner may, without prejudice to any other remedies to which he may be entitled, obstruct the user, but only on the servient heritage: Provided that such user cannot be obstructed when the obstruction would interfere with the lawful enjoyment of the easement.

Illustration.

A, having a right to the free passage over B's land of light to four windows six feet by four, increases their size and number. It is impossible to obstruct the passage of light to the new windows without also obstructing the passage of light to the ancient windows. B cannot obstruct the excessive user.

CHAPTER IV.

The Disturbance of Easements.

Right to enjoyment without disturbance.

32. The owner or occupier of the dominant heritage is entitled to enjoy the easement without disturbance by any other person.

Illustration.

A, as owner of a house, has a right of way over B's land. C unlawfully enters on B's land, and obstructs A in his right of way. A may sue C for compensation, not for the entry, but for the obstruction.

Suit for disturbance of easement.

33. The owner of any interest in the dominant heritage, or the occupier of such heritage, may institute a suit for compensation for the disturbance of the easement or of any right accessory thereto: Provided that the disturbance has actually caused substantial damage to the plaintiff.

Explanation I.—The doing of any act likely to injure the plaintiff by affecting the evidence of the easement, or by materially diminishing the value of the dominant heritage, is substantial damage within the meaning of this section and section 34.

Explanation II.—Where the easement disturbed is a right to the free passage of light passing to the openings in a house, no damage is substantial within the meaning of this section unless it falls within the first *Explanation*, or interferes materially with the physical comfort of the plaintiff, or prevents him from carrying on his accustomed business in the dominant heritage as beneficially as he had done previous to instituting the suit.

Explanation III.—Where the easement disturbed is a right to the free passage of air to the openings in a house, damage is substantial within the meaning of this section if it interferes materially with the physical comfort of the plaintiff, though it is not injurious to his health.

Illustrations.

(*a*) A places a permanent obstruction in a path over which B, as tenant of C's house, has a right of way. This is substantial damage to C, for it may affect the evidence of his reversionary right to the easement.

(*b*) A, as owner of a house, has a right to walk along one side of B's house. B builds a verandah overhanging the way about ten feet from the ground, and so as not to occasion any inconvenience to foot passengers using the way. This is not substantial damage to A.

When cause

34. The removal of the means of support to which a dominant owner is

of action arises for removal of support.

entitled does not give rise to a right to recover compensation unless and until substantial damage [a] is actually sustained.

Injunction to restrain disturbance.

35. Subject to the provisions of the Specific Relief Act, 1877 [b], sec. I of 1877. tions 52 to 57 (both inclusive), an injunction may be granted to restrain the disturbance of an easement,—

(*a*) if the easement is actually disturbed—when compensation for such disturbance might be recovered under this chapter;

(*b*) if the disturbance is only threatened or intended—when the act threatened or intended must necessarily, if performed, disturb the easement.

Abatement of obstruction of easement.

36. Notwithstanding the provisions of section 24, the dominant owner cannot himself abate a wrongful obstruction of an easement.

CHAPTER V.

The Extinction, Suspension and Revival of Easements.

Extinction by dissolution of right of servient owner.

37. When, from a cause which preceded the imposition of an easement, the person by whom it was imposed ceases to have any right in the servient heritage, the easement is extinguished.

Exception.—Nothing in this section applies to an easement lawfully imposed by a mortgagor in accordance with section 10.

Illustrations.

(*a*) A transfers Sultánpur to B on condition that he does not marry C. B imposes an easement on Sultánpur. Then B marries C. B's interest in Sultánpur ends, and with it the easement is extinguished.

(*b*) A, in 1860, let Sultánpur to B for thirty years from the date of the lease. B, in 1861, imposes an easement on the land in favour of C, who enjoys the easement peaceably and openly as an easement without interruption for twenty-nine years. B's interest in Sultánpur then ends, and with it C's easement.

(*c*) A and B, tenants of C, have permanent transferable interests in their respective holdings. A imposes on his holding an easement to draw water from a tank for the purpose of irrigating B's land. B enjoys the easement for twenty years. Then A's rent falls into arrear and his interest is sold. B's easement is extinguished.

(*d*) A mortgages Sultánpur to B, and lawfully imposes an easement on the land in favour of C in accordance with the provisions of section 10. The land is sold to D in satisfaction of the mortgage-debt. The easement is not thereby extinguished.

Extinction by release.

38. An easement is extinguished when the dominant owner releases it, expressly or impliedly, to the servient owner.

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[a] As to meaning of "substantial damage," see s. 33, *Expl. 1, supra*.

[b] For Act I of 1877 see the revised edition as modified up to 1st July, 1894, published by the Legislative Department.

Such release can be made only in the circumstances and to the extent in and to which the dominant owner can alienate the dominant heritage.

An easement may be released as to part only of the servient heritage.

Explanation I.—An easement is impliedly released—

(*a*) where the dominant owner expressly authorizes an act of a permanent nature to be done on the servient heritage, the necessary consequence of which is to prevent his future enjoyment of the easement, and such act is done in pursuance of such authority;

(*b*) where any permanent alteration is made in the dominant heritage of such a nature as to show that the dominant owner intended to cease to enjoy the easement in future.

Explanation II.—Mere non-user of an easement is not an implied release within the meaning of this section.

Illustrations.

(*a*) A, B and C are co-owners of a house to which an easement is annexed. A, without the consent of B and C, releases the easement. This release is effectual only as against A and his legal representative.

(*b*) A grants B an easement over A's land for the beneficial enjoyment of his house. B assigns the house to C. B then purports to release the easement. The release is ineffectual.

(*c*) A, having the right to discharge his eavesdroppings into B's yard, expressly authorizes B to build over this yard to a height which will interfere with the discharge. B builds accordingly. A's easement is extinguished to the extent of the interference.

(*d*) A, having an easement of light to a window, builds up that window with bricks and mortar so as to manifest an intention to abandon the easement permanently. The easement is impliedly released.

(*e*) A, having a projecting roof by means of which he enjoys an easement to discharge eavesdroppings on B's land, permanently alters the roof, so as to direct the rain-water into a different channel and discharge it on C's land. The easement is impliedly released.

Extinction by revocation.

39. An easement is extinguished when the servient owner, in exercise of a power reserved in this behalf, revokes the easement.

Extinction on expiration of limited period or happening of dissolving condition.

40. An easement is extinguished where it has been imposed for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires or the condition is fulfilled.

Extinction on termination of necessity.

41. An easement of necessity is extinguished when the necessity comes to an end.

Illustration.

A grants B a field inaccessible except by passing over A's adjoining land. B afterwards purchases a part of that land over which he can pass to his field. The right of way over A's land which B had acquired is extinguished.

Extinction of useless easement.

42. An easement is extinguished when it becomes incapable of being at any time and under any circumstances beneficial to the dominant owner.

Extinction by permanent change in dominant heritage.

43. Where, by any permanent change in the dominant heritage, the burden on the servient heritage is materially increased and cannot be reduced by the servient owner without interfering with the lawful enjoyment of the easement, the easement is extinguished, unless——

(*a*) it was intended for the beneficial enjoyment of the dominant heritage to whatever extent the easement should be used; or

(*b*) the injury caused to the servient owner by the change is so slight that no reasonable person would complain of it; or

(*c*) the easement is an easement of necessity.

Nothing in this section shall be deemed to apply to an easement entitling the dominant owner to support of the dominant heritage.

Extinction on permanent alteration of servient heritage by superior force.

44. An easement is extinguished where the servient heritage is by superior force so permanently altered that the dominant owner can no longer enjoy such easement:

Provided that, where a way of necessity is destroyed by superior force, the dominant owner has a right to another way over the servient heritage; and the provisions of section 14 apply to such way.

Illustrations.

(*a*) A grants to B, as the owner of a certain house, a right to fish in a river running through A's land. The river changes its course permanently and runs through C's land. B's easement is extinguished.

(*b*) Access to a path over which A has a right of way is permanently cut off by an earthquake. A's right is extinguished.

Extinction by destruction of either heritage.

45. An easement is extinguished when either the dominant or the servient heritage is completely destroyed.

Illustration.

A has a right of way over a road running along the foot of a sea-cliff. The road is washed away by a permanent encroachment of the sea. A's easement is extinguished.

46. An easement is extinguished when the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages. Extinction by unity of ownership.

Illustrations.

(*a*) A, as the owner of a house, has a right of way over B's field. A mortgages his house, and B mortgages his field, to C. Then C forecloses both mortgages and becomes thereby absolute owner of both house and field. The right of way is extinguished.

(*b*) The dominant owner acquires only part of the servient heritage: the easement is not extinguished, except in the case illustrated in section 41.

(*c*) The servient owner acquires the dominant heritage in connection with a third person: the easement is not extinguished.

(*d*) The separate owners of two separate dominant heritages jointly acquire the heritage which is servient to the two separate heritages: the easements are not extinguished.

(*e*) The joint owners of the dominant heritage jointly acquire the servient heritage: the easement is extinguished.

(*f*) A single right of way exists over two servient heritages for the beneficial enjoyment of a single dominant heritage. The dominant owner acquires one only of the servient heritages. The easement is not extinguished.

(*g*) A has a right of way over B's road. B dedicates the road to the public. A's right of way is not extinguished.

47. A continuous easement is extinguished when it totally ceases to be enjoyed as such for an unbroken period of twenty years. Extinction by non-enjoyment.

A discontinuous easement is extinguished when, for a like period, it has not been enjoyed as such.

Such period shall be reckoned, in the case of a continuous easement, from the day on which its enjoyment was obstructed by the servient owner, or rendered impossible by the dominant owner; and, in the case of a discontinuous easement, from the day on which it was last enjoyed by any person as dominant owner:

Provided that if, in the case of a discontinuous easement, the dominant owner, within such period, registers, under the Indian Registration Act, 1877[*], a declaration of his intention to retain such easement, it shall not be extinguished until a period of twenty years has elapsed from the date of the registration. III of 1877.

Where an easement can be legally enjoyed only at a certain place, or at certain times, or between certain hours, or for a particular purpose, its enjoyment during the said period at another place, or at other times, or between

[*] For Act III of 1877 see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department.

other hours, or for another purpose, does not prevent its extinction under this section.

The circumstance that, during the said period, no one was in possession of the servient heritage, or that the easement could not be enjoyed, or that a right accessory thereto was enjoyed, or that the dominant owner was not aware of its existence, or that he enjoyed it in ignorance of his right to do so, does not prevent its extinction under this section.

An easement is not extinguished under this section—

(*a*) where the cessation is in pursuance of a contract between the dominant and servient owners;

(*b*) where the dominant heritage is held in co-ownership, and one of the co-owners enjoys the easement within the said period; or

(*c*) where the easement is a necessary easement.

Where several heritages are respectively subject to rights of way for the benefit of a single heritage, and the ways are continuous, such rights shall, for the purposes of this section, be deemed to be a single easement.

Illustration.

A has, as annexed to his house, rights of way from the high road thither over the heritages X and Z and the intervening heritage Y. Before the twenty years expire, A exercises his right of way over X. His rights of way over Y and Z are not extinguished.

Extinction of accessory rights.

48. When an easement is extinguished, the rights (if any) accessory thereto are also extinguished.

Illustration.

A has an easement to draw water from B's well. As accessory thereto, he has a right of way over B's land to and from the well. The easement to draw water is extinguished under section 47. The right of way is also extinguished.

Suspension of easement.

49. An easement is suspended when the dominant owner becomes entitled to possession of the servient heritage for a limited interest therein, or when the servient owner becomes entitled to possession of the dominant heritage for a limited interest therein.

Servient owner not entitled to require continuance.

50. The servient owner has no right to require that an easement be continued; and, notwithstanding the provisions of section 26, he is not entitled to compensation for damage caused to the servient heritage in consequence of the extinguishment or suspension of the easement, if the dominant owner has given to the servient owner such notice as will enable him, without unreasonable expense, to protect the servient heritage from such damage.

Where such notice has not been given, the servient owner is entitled to compensation for damage caused to the servient heritage in consequence of such extinguishment or suspension. Compensation for damage caused by extinguishment.

Illustration.

A, in exercise of an easement, diverts to his canal the water of B's stream. The diversion continues for many years, and during that time the bed of the stream partly fills up. A then abandons his easement, and restores the stream to its ancient course. B's land is consequently flooded. B sues A for compensation for the damage caused by the flooding. It is proved that A gave B a month's notice of his intention to abandon the easement, and that such notice was sufficient to enable B, without unreasonable expense, to have prevented the damage. The suit must be dismissed.

51. An easement extinguished under section 45 revives (*a*) when the destroyed heritage is, before twenty years have expired, restored by the deposit of alluvion; (*b*) when the destroyed heritage is a servient building and before twenty years have expired such building is rebuilt upon the same site; and (*c*) when the destroyed heritage is a dominant building and before twenty years have expired such building is rebuilt upon the same site and in such a manner as not to impose a greater burden on the servient heritage. Revival of easements.

An easement extinguished under section 46 revives when the grant or bequest by which the unity of ownership was produced is set aside by the decree of a competent Court. A necessary easement extinguished under the same section revives when the unity of ownership ceases from any other cause.

A suspended easement revives if the cause of suspension is removed before the right is extinguished under section 47.

Illustration.

A, as the absolute owner of field Y, has a right of way thither over B's field Z. A obtains from B a lease of Z for twenty years. The easement is suspended so long as A remains lessee of Z. But when A assigns the lease to C, or surrenders it to B, the right of way revives.

CHAPTER VI.

LICENSES.

52. Where one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immoveable property of the grantor, something which would, in the absence of such right, be unlawful, and such right does not amount to an easement or an interest in the property, the right is called a license. "License" defined.

Who may grant license.

53. A license may be granted by any one in the circumstances and to the extent in and to which he may transfer his interests in the property affected by the license.

Grant may be express or implied.

54. The grant of a license may be express or implied from the conduct of the grantor, and an agreement which purports to create an easement, but is ineffectual for that purpose, may operate to create a license.

Accessory licenses annexed by law.

55. All licenses necessary for the enjoyment of any interest, or the exercise of any right, are implied in the constitution of such interest or right. Such licenses are called accessory licenses.

Illustration.

A sells the trees growing on his land to B. B is entitled to go on the land and take away the trees.

License when transferable.

56. Unless a different intention is expressed or necessarily implied, a license to attend a place of public entertainment may be transferred by the licensee; but, save as aforesaid, a license cannot be transferred by the licensee or exercised by his servants or agents.

Illustrations.

(*a*) A grants B a right to walk over A's field whenever he pleases. The right is not annexed to any immoveable property of B. The right cannot be transferred.

(*b*) The Government grant B a license to erect and use temporary grain-sheds on Government land. In the absence of express provision to the contrary, B's servants may enter on the land for the purpose of erecting sheds, erect the same, deposit grain therein and remove grain therefrom.

Grantor's duty to disclose defects.

57. The grantor of a license is bound to disclose to the licensee any defect in the property affected by the license, likely to be dangerous to the person or property of the licensee, of which the grantor is, and the licensee is not, aware.

Grantor's duty not to render property unsafe.

58. The grantor of a license is bound not to do anything likely to render the property affected by the license dangerous to the person or property of the licensee.

Grantor's transferee not bound by license.

59. When the grantor of the license transfers the property affected thereby, the transferee is not as such bound by the license.

License when revocable.

60. A license may be revoked by the grantor, unless—

(*a*) it is coupled with a transfer of property and such transfer is in force:

(*b*) the licensee, acting upon the license, has executed a work of a permanent character and incurred expenses in the execution.

Revocation express or implied.

61. The revocation of a license may be express or implied.

Illustrations.

(*a*) A, the owner of a field, grants a license to B to use a path across it. A, with intent to revoke the license, locks a gate across the path. The license is revoked.

(*b*) A, the owner of a field, grants a license to B to stack hay on the field. A lets or sells the field to C. The license is revoked.

License when deemed revoked.

62. A license is deemed to be revoked—

(*a*) when, from a cause preceding the grant of it, the grantor ceases to have any interest in the property affected by the license:

(*b*) when the licensee releases it, expressly or impliedly, to the grantor or his representative:

(*c*) where it has been granted for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires, or the condition is fulfilled:

(*d*) where the property affected by the license is destroyed or by superior force so permanently altered that the licensee can no longer exercise his right:

(*e*) where the licensee becomes entitled to the absolute ownership of the property affected by the license:

(*f*) where the license is granted for a specified purpose and the purpose is attained, or abandoned, or becomes impracticable:

(*g*) where the license is granted to the licensee as holding a particular office, employment or character, and such office, employment or character ceases to exist:

(*h*) where the license totally ceases to be used as such for an unbroken period of twenty years, and such cessation is not in pursuance of a contract between the grantor and the licensee:

(*i*) in the case of an accessory license, when the interest or right to which it is accessory ceases to exist.

Licensee's rights on revocation.

63. Where a license is revoked, the licensee is entitled to a reasonable time to leave the property affected thereby and to remove any goods which he has been allowed to place on such property.

Licensee's rights on eviction.

64. Where a license has been granted for a consideration, and the licensee, without any fault of his own, is evicted by the grantor before he has fully enjoyed, under the license, the right for which he contracted, he is entitled to recover compensation from the grantor.

ACT No. XXII OF 1882.

Received the Governor General's assent on 22nd December, 1882.

An Act to amend the Dekkhan Agriculturists' Relief Act, 1879.

Preamble. WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Act, 1879; It is hereby enacted as follows:—

Short title. 1. (*1*) This Act may be called the Dekkhan Agriculturists Relief Act, 1882; and it and the Dekkhan Agriculturists' Relief Act, 1879, and the Dekkhan Agriculturists' Relief Act, 1881 [a], may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1882[b]. XVII of 1879. XXIII of 1881.

Commencement. (*2*) This Act shall come into force on the first day of February, 1883.

Definition of "section" and "chapter." 2. In this Act, unless there is something repugnant in the subject or context, "section" means a section, and "chapter" a chapter, of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881 [a]. XVII of 1879. XXIII of 1881.

New section substituted for section 2, Act XVII of 1879. 3. For section 2 the following shall be substituted:—
[Printed *supra*, p. 174.]

New section inserted after section 2. 4. After section 2 the following section shall be inserted:
[Printed *supra*, p. 174.]

Amendment of section 3. 5. In section 3, clause (*a*), after the word "account" the words "whatever be the amount or value of the subject-matter thereof" shall be inserted.

New sections inserted after section 15. 6. After section 15 the following sections shall be inserted, namely:—
[Printed *supra*, p. 180.]

Amendment of section 19. 7. In section 19, after the word "Court," in both places in which it occurs, the words "on application or of its own motion," shall be inserted.

Amendment of section 21. 8. To section 21 the words "passed whether before or after this Act comes into force" shall be added.

Amendment of section 22. 9. (*1*) In section 22, after the words "decree or order," the words "passed whether before or after this Act comes into force," shall be inserted.

(*2*) In the same section, after the word "Court" the words "on application or of its own motion" shall be inserted.

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[a] Printed *supra*, p. 231.
[b] The Acts of 1879 to 1882 and Act XXIII of 1886 may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886—see Act XXIII of 1886, s. 1 (*1*), *infra*, p. 262.

(*3*) In the same section, for the words "at any subsequent time" the words "in the course of any proceedings under a decree against an agriculturist passed whether before or after this Act comes into force" shall be substituted.

Amendment of sections 29 and 30.

10. In section 29, first clause, and in section 30, after the word "Court," the words "on application or of its own motion," shall be inserted.

Amendment of section 44.

11. In section 44, for the word "táluqá" the word "place" shall be substituted.

Addition to section 44.

12. To the same section the following shall be added, namely :—

[Printed *supra*, p. 188.]

Amendment of section 47.

13. In section 47, for the words "such certificate as aforesaid in reference thereto" the following shall be substituted, namely :—

[Printed *supra*, p. 189.]

Amendment of sections 50 to 53.

14. In sections 50 and 52, for the words and figures "Chapter II and Chapter IV," the words and figures "Chapter II, Chapter IV and Chapter VI" shall be substituted; and in sections 51 and 53, for the words and figures "Chapter II or Chapter IV," the words and figures "Chapter II, Chapter IV or Chapter VI" shall be substituted.

Amendment of section 54.

15. To section 54 the following shall be added, namely :—

[Printed *supra*, p. 191.]

Amendment of section 57.

16. In section 57, after the words "power-of-attorney" the following shall be inserted, namely :—

[Printed *supra*, p. 193.]

17. [*Repeal of part of section 68.*] *Repealed by Act XII of 1891.*

New section inserted after section 73.

18. After section 73 the following section shall be inserted, namely :—

[Printed *supra*, p. 198.]

19. [*Limitation of suits.*] *Repealed by Act XII of 1891.*

ACT No. XI of 1884.

Received the Governor General's assent on 19th June, 1884.

An Act to amend the Sindh Incumbered Estates Act, 1881.

XX of 1881.

WHEREAS it is expedient to amend the Sindh Incumbered Estates Act, 1881, in manner hereinafter appearing; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called the Sindh Incumbered Estates Act, 1884; and shall come into force at once.

Amendment of definition of zamíndár in Act XX of 1881.

2. To the definition of zamíndár in the Sindh Incumbered Estates Act, 1881, the following shall be added, namely :— XX of 1881.

[Printed *supra*, p. 207.]

New section to follow section 5.

3. After section 5 of the said Act the following section shall be inserted, that is to say :—

[Printed *supra*, p. 208.]

Amendment of section 8.

4. In section 8, after the words "all immoveable property" the words "including any interest in joint immoveable property" shall be inserted.

Amendment of section 9.

5. In section 9 of the same Act, after the words "Civil Court," in both places where they occur, the words "or Revenue Court or Office" shall be inserted.

New section to follow section 24.

6. After section 24 of the said Act the following shall be inserted :—

[Printed *supra*, p. 214.]

Amendment of section 27.

7. In section 27 of the said Act, after the words "Civil Court" the words "or Revenue Court or Office" shall be inserted.

8, 9. [*Time for making applications under Act XX of 1881; order of management under same Act to be deemed in accordance with law.*] *Repealed by Act IV of 1894.*

Power to revise scheme of management under same Act.

10. Notwithstanding anything contained in the said Act, the Commissioner may, at any time after he has, whether before or after the passing of this Act, sanctioned a liquidation-scheme under the said Act, revise and modify the same, but not so as to affect the right of any person to receive in full before the termination of the management the amount finally awarded to him under Chapter IV of the said Act.

ACT No. VII OF 1885.

Received the Governor General's assent on 20th February, 1885.

An Act to amend the law in force in the Pánch Mahálls.

WHEREAS it is expedient that the law in force in the territory comprised in the Pánch Mahálls should on and from the first day of May, 1885, be the same as the law in force in the district of Kaira, in the Bombay Presidency, and that the said territory should, on and from that day, cease to be a scheduled district under the Scheduled Districts Act, 1874[*], and the Laws Local Extent Act, 1874 [*]; It is hereby enacted as follows:— XIV of 1874 XV of 1874.

Short title

1. This Act may be called the Pánch Mahálls Laws Act, 1885.

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[*] Printed, General Acts, 1867-76, Ed. 1887.

Laws of Kaira to apply.

2. (*1*) Save and except the enactments specified in the schedule hereto annexed, all enactments which on the first day of May, 1885, are in force in the district of Kaira, and not in the Pánch Mahál, shall be deemed to come into force in the Pánch Mahál on that day.

Other laws repealed.

(*2*) All enactments which on that day are in force in the Pánch Mahál and not in the district of Kaira shall be deemed to be repealed on and from that day in the Pánch Mahál.

Pending proceedings.

3. All proceedings commenced before any authority in the Pánch Mahál before the first day of May, 1885, and still pending on that day, shall be disposed of by such authority as the Local Government may direct, and, save as aforesaid, shall be carried on as if this Act had not been passed.

Territory to cease to be scheduled district.

4. On and from the first day of May, 1885, the Pánch Mahál shall cease to be a scheduled district[a].

THE SCHEDULE.

ENACTMENTS EXCEPTED FROM THE OPERATION OF SECTION 2.

Acts of the Governor General in Council.

Number and year.	Title.	Extent of exception.
[b]VIII of 1870 ...	For the prevention of the murder of female infants.	The whole.
[c]XXI of 1881 ...	To amend the law providing for the relief of Thákurs in the districts of Broach and Kaira.	The whole.

Acts of the Governor of Bombay in Council.

Number and year.	Title.	Extent of exception.
[d]V of 1862 ...	For the preservation of the Bhágdárí and Narwadárí Tenures.	The whole.
[d]V of 1879 ...	To consolidate and amend the law relating to Revenue-officers and the land-revenue in the Presidency of Bombay.	Section 85 and last fifteen words of section 58.

[a] Portion repealed by Act XII of 1891 is omitted.
[b] Printed, General Acts, 1867-76, Ed. 1887, p. 172.
[c] Printed *supra*, p. 220.
[d] Printed in Vol. II of this Code.

ACT No. XXIII OF 1886.

Received the Governor General's assent on 22nd October, 1886.

An Act to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882[a].

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1882[a]; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Dekkhan Agriculturists' Relief Act, 1886; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1882 [a], may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886. XVII of 1879. XXIII of 1881. XXII of 1882.

(*2*) This Act shall come into force on the first day of January, 1887.

Definition.

2. In this Act, unless there is something repugnant in the subject or context,—

"section" means a section, and "chapter" a chapter, of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, and the Dekkhan Agriculturists' Relief Act, 1882.

Addition to section 1, Act XVII of 1879.

3. To section 1 the following shall be added after the word "Áhmadnagar," namely:—

[Printed *supra*, p. 173.]

Addition to section 2.

4. To section 2 the following shall be added, namely:—

[Printed *supra*, p. 174.]

Amendment of section 8.

5. In section 8, clause (*g*), the word "and" shall be substituted for the word "or" where the latter word occurs between the word "foreclosure" and the word "sale".

Amendment of section 12.

6. In section 12, for the words "the Court shall, if the amount of the creditor's claim is disputed, enquire," the following shall be substituted, namely:—

[Printed *supra*, p. 177.]

Amendment of section 22.

7. In section 22, for the words "No agriculturist's immoveable property shall be attached or sold," the following shall be substituted, namely:—

[Printed *supra*, p. 182.]

Addition to section 40.

8. To section 40 the following shall be added, namely:—

[Printed *supra*, p. 187.]

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[a] Printed *supra*.

Addition to proviso to section 56.

9. To the proviso to section 56 the following shall be added, namely :—
[Printed *supra*, p 193.]

10. (*1*) *and* (*2*) [*Repeal of parts of section 58.*] *Repealed by Act XII of 1891.*

Addition to section 58.

(*3*) After [a] section 58 [a] the following shall be added, namely :—
[Printed *supra*, p. 194.]

Insertion of Chapter VIII A.

11. After Chapter VIII and section 63 the following shall be inserted, namely :—
[Printed *supra*, p. 195.]

Amendment of section 72.

12. (*1*) In section 72, for the words "under this Act," where they first occur, the words "of the description mentioned in section 3, clause (*w*)", shall be substituted.

(*2*) [*Repeal of part of section 72.*] *Repealed by Act XII of 1891.*

(*3*) For the proviso to the same section the following shall be substituted, namely :—
[Printed *supra*, p. 197.]

13. [*Limitation of certain suits.*] *Repealed by Act XII of 1891.*

ACT No. XII OF 1888.

Received the Governor General's assent on 12th October, 1888.

An Act to supplement certain provisions of the City of Bombay Municipal Act, 1888[b], and of the Calcutta Municipal Consolidation Act, 1889[c].

WHEREAS it is expedient to supplement by legislation in the Council of the Governor General for making Laws and Regulations certain provisions of the City of Bombay Municipal Act, 1888[b], and of the Calcutta Municipal Consolidation Act, 1889[c] ; It is hereby enacted as follows :—

Bom. III of 1888.
Ben. II of 1888.

Confirmation of the City of Bombay Municipal Act, 1888, and the Calcutta Municipal Consolidation Act,

1. The City of Bombay Municipal Act, 1888[b], and the Calcutta Municipal Consolidation Act, 1889[c], shall, so far as regards—

(*a*) the jurisdiction thereby conferred upon Appellate Benches of Municipal Authorities and upon Presidency and other Magistrates and Courts of Small Causes or any Judge of such a Court, and

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[a-a] This reference was substituted for the original reference by Act XII of 1891.
[b] Printed in Vol. III of this Code.
[c] Printed, Bengal Code, Vol. II, Ed. 1890, p. 883.

1889, so far as regards Benches, Magistrates and Courts of Small Causes.

(*b*) the decisions, orders and other proceedings of those Benches, Magistrates and Courts or of any such Judge,

be as valid as if they had been passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations.

Reference of questions by the Chief Judge of the Bombay Small Cause Court to the Bombay High Court.

2. (*1*) If before or on the hearing of an appeal under section 217 of the City of Bombay Municipal Act, 1888[a], any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits, arises, on which the Chief Judge of the Court of Small Causes of Bombay entertains reasonable doubt, the Chief Judge may, either of his own motion or on the application of either or any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement, with his own opinion on the point, for the decision of the High Court of Judicature at Bombay. Bom. III of 1888.

(*2*) When a reference is made to the High Court under sub-section (*1*), the provisions of sections 618 to 621, both inclusive, of the Code of Civil Procedure[b] shall, so far as they can be made applicable, apply to the Chief Judge of the Court of Small Causes and to the High Court, respectively. XIV of 1882.

Appeal to the Bombay High Court from certain orders of the Chief Judge of the Bombay Small Cause Court.

3. (*1*) An appeal shall lie to the High Court of Judicature at Bombay from a decision passed by the Chief Judge of the Court of Small Causes of Bombay under section 503 or section 504 of the City of Bombay Municipal Act, 1888[a], when the amount of the claim in respect of which the decision is passed exceeds two thousand rupees. Bom. III of 1888.

(*2*) The provisions of the Code of Civil Procedure[b] with respect to appeals from original decrees shall, so far as they can be made applicable, apply to appeals under sub-section (*1*), and orders passed therein by the High Court may, on application to the Chief Judge of the Court of Small Causes, be executed by him as if they were decrees made by himself. XIV of 1882.

(*3*) A decision passed by the Chief Judge of the Court of Small Causes of Bombay under section 503 or section 504 of the City of Bombay Municipal Act, 1888[a], shall, if an appeal does not lie therefrom under sub-section (*1*), be final. Bom. III of 1888.

Appeal to the Bombay High Court from orders of Presidency Magistrates in Bombay.

4. (*1*) An appeal shall lie to the High Court of Judicature at Bombay from an order passed by a Presidency Magistrate under section 515 of the City of Bombay Municipal Act, 1888 [a].

(*2*) The High Court may from time to time make rules for regulating the

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[a] Printed in Vol. III of this Code.

[b] For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.

admission of appeals under sub-section (*1*) and the procedure to be followed in the adjudication thereof.

(*3*) When an appeal has been preferred to the High Court under this section, the Municipal Commissioner for the City of Bombay shall defer action upon the order of the Presidency Magistrate until the appeal has been disposed of.

(*4*) But, when the appeal has been disposed of, he shall forthwith give effect to the order passed therein by the High Court, or if the order of the Presidency Magistrate has not been disturbed by the High Court, then to his order.

(*5*) When disposing of an appeal under this section the High Court may direct by whom the costs of the appeal are to be paid, and whether in whole or in what part or proportion.

(*6*) Costs so directed to be paid may, on application to a Presidency Magistrate, be recovered by him, in accordance with the direction of the High Court, as if they were a fine imposed by himself.

Period of limitation for appeals to the Bombay High Court under the two last foregoing sections.

5. An appeal to the High Court of Judicature at Bombay under either of the two last foregoing sections shall, for the purposes of No. 156 of the second schedule to the Indian Limitation Act, 1877 [a], be deemed to be an appeal under the Code of Civil Procedure [b] in a case not provided for by No. 151 and No. 153 of that schedule.

XV of 1877.

XIV of 1882.

ACT No. V OF 1889.

Received the Governor General's assent on 1st March, 1889.

An Act to abolish the Office of Coroner of Madras.

WHEREAS it is expedient to abolish the office of Coroner of Madras and for this purpose to amend the Coroners Act, 1871[c], the Coroners Act, 1881[c], and the Code of Criminal Procedure, 1882[d]; It is hereby enacted as follows:—

IV of 1871.
X of 1881.
X of 1882.

Commencement.

1. This Act shall come into force on such day[e] as the Governor of Fort St. George in Council may, by notification in the Fort St. George Gazette, appoint in this behalf.

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[a] For Act XV of 1877 see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department.

[b] For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.

[c] Printed *supra*.

[d] For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.

[e] the 1st June, 1889—see Fort St. George Gazette, 1889, Pt. I, p. 335.

Amendment of the Coroners Act, 1871.

2. For section 3 of the Coroners Act, 1871, the following shall be substituted, namely :— IV of 1871.

[Printed *supra*, p. 139.]

Amendment of the Coroners Act, 1881.

3. (*1*) For the preamble to the Coroners Act, 1881, the following shall be substituted, namely :— X of 1881.

[Printed *supra*, p. 203.]

(*2*) [*Repeal of ss. 2, 3 and 4 of Act X of 1881.*] *Repealed by Act XII of 1891.*

4. (*1*) [*Repeal of s. 1, cl. (c), of Act X of 1882.*] *Repealed by Act XII of 1891.*

(*2*) *Omitted as applying only to Madras.*

ACT No. XIV OF 1889.

Received the Governor General's assent on 17th October, 1889.

An Act to indemnify certain witnesses.

WHEREAS by an order dated the sixteenth day of October, 1888, a Commission was appointed by the Governor of Bombay in Council under Act XXXVII of 1850 [a] (*for regulating Inquiries into the behaviour of Public Servants*) for the purpose of enquiring into certain imputations of misbehaviour by a public servant ;

And whereas in the course of the proceedings before the said Commission and of certain enquiries preliminary to or connected with the said proceedings and undertaken by direction of the said Governor in Council, and in the investigation and trial of certain criminal charges against one Hunmuntrao Raghavendra, statements were made and evidence given by public servants and other persons, by reason of which statements or evidence the said public servants and other persons became or might become liable to suits, prosecutions or penalties under the Statute 49 Geo. III, Chapter 126 [b], or the Indian Penal Code[c], XLV of 1860. or otherwise ;

And whereas it is expedient to free the said public servants and other persons from all liability to civil or criminal proceedings in respect of any cause of

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[a] Printed, General Acts, 1834-66, Ed. 1887, p. 71.
[b] Printed in the Collection of Statutes relating to India, Vol. I, Ed. 1881, p. 152.
[c] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

action or charge arising out of any admission of an offence in any statements made or evidence given as aforesaid ;

It is hereby enacted as follows :—

Indemnity to witnesses.

1. No suit, prosecution or other proceeding shall be commenced or continued against any person in respect of any cause of action or charge arising out of any offence admitted by him in any statement made or evidence given before the said Commission, or in any inquiry undertaken by direction of the said Governor in Council preliminary to or in connection with the proceedings of the said Commission or in the course of the said investigation and trial.

ACT No. VIII OF 1891.

Received the Governor General's assent on 6th March, 1891.

An Act to extend the Indian Easements Act, 1882 [*], to certain areas in which that Act is not in force.

V of 1882.

WHEREAS it is expedient to extend the Indian Easements Act, 1882 [*], to certain areas in which that Act is not in force ; It is hereby enacted as follows :—

Extension of Act V, 1882, to Bombay and the North-Western Provinces and Oudh.

1. The Indian Easements Act, 1882 [*], is hereby extended to the territories respectively administered by the Governor of Bombay in Council and the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh.

ACT No. IV OF 1894.

Received the Governor General's assent on 23rd February, 1894.

An Act to repeal certain obsolete Enactments and to amend certain other Enactments.

WHEREAS it is expedient that certain enactments specified in the first schedule to this Act which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed ;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act ;

It is hereby enacted as follows :—

Title, extent and commencement.

1. (*1*) This Act may be called the Repealing and Amending Act, 1894.

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[*] Printed *supra*, p. 234.

(*2*) It extends to the whole of the territories administered by the Governor of Bombay in Council; and

(*3*) It shall come into force at once.

Enactments in schedules repealed and amended respectively.

2. (*1*) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(*2*) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

Savings.

3. The repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
		Part I.—Regulations of the Bombay Code.	
1827	V	Acknowledgment of debts; interest; mortgages.	Appendix B.
„	XII	Police	Appendix E.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
		***Part I.—Regulations of the Bombay Code*—concluded.**	
1827	XIII	Criminal Courts . . .	Appendices A, B, D, E, F, G, H, I, J, K, L, M and N.
„	XX	Customs and Duties . .	So much as has not been repealed.
„	XXI	Duty on Opium and Spirits .	So much as has not been repealed.
„	XXIX	Dekkhan and Khandesh .	In section 2, clause first, *the words and figures* with the exception of Regulation XVIII and of any enactments relating to stamps.
1834	I	Deputy Agent for Sardárs in Dekkhan.	In the title, *the words and figures* and for rescinding Regulation V of 1828 which defines the duties and jurisdiction of that office. In the preamble, *the words* to have effect from the date of promulgation.
		Part II.—Rules, Ordinances and Regulations relating to the Town and Island of Bombay.	
1825	II	Repealing in part Rule, Ordinance and Regulation I of 1812.	The whole.
1827	I	Repealing in part Rule, Ordinance and Regulation I of 1814.	The whole.
1828	I	Preventing goods from being left on quays.	The whole.
1834	I	Repealing in part Rule, Ordinance and Regulation II of 1827.	So much as has not been repealed.
		Part III.—Acts of the Governor General in Council.	
1836	VII	Authority of certain Regulations.	So much as has not been repealed.
1852	XI	Titles to rent-free estates	In the preamble, *the words and figures* and incapable of being justly disposed of under the rules for the determination of titles and the rules of procedure contained in Chapters IX and X of Regulation XVII of 1827 of the Bombay Code and their supplements So much of section 1 as has not been repealed. In section 2, *the words* the said.

(*The First Schedule.—Enactments repealed. The Second Schedule.—Enactments amended.*)

THE FIRST SCHEDULE—*concld.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
		Part III.—Acts of the Governor General in Council—concluded.	
1874	XV	Laws Local Extent Act, 1874.	Section 8, clause (*s*).
1875	VI	Loan to Sir Jamsetjee Jeejeebhoy.	The whole.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	In the preamble *the words and figures* and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section three of the Land Improvement Act, 1871.
1877	XIV	Broach and Kaira Incumbered Estates Act, 1877.	In section 39, *the word* And *where it first occurs, and the word* further. In section 41, clause (*b*), *the words* the said.
1878	I	Opium Act, 1878 . . .	The third paragraph of section 2.
1884	XI	Sindh Incumbered Estates Act, 1884.	Section 8. Section 9.

THE SECOND SCHEDULE

ENACTMENTS AMENDED.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
		Part I.—Regulation of the Bombay Code.	
1830	XIII	Jurisdiction of Jágírdárs, etc.	In section 3, clause third, *after* open to *insert* appeal to.
		Part II.—Act of the Governor General in Council.	
1839	XX	Levy of haqqs, etc. . .	In section 3, *for* shall be punishable as for an undue exaction under Regulation XVII of 1827, section XVI, of the Bombay Code, notwithstanding the offender be not a Revenue-officer of Government, *read* shall, whether he is or is not a Revenue-officer of Government, be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine not exceeding ten times the amount of the sum so levied.

PART III:

REGULATIONS MADE UNDER THE STATUTE 33 VICT., CAP. 3[a], IN FORCE IN BOMBAY.

REGULATION No. V OF 1872[b].

[*Published in the Gazette of India of 30th November, 1872, Pt. I, p. 1076, and in the Bombay Government Gazette of 28th November, 1872, Pt. I, p. 1225.*]

Sindh Frontier Regulation, 1872[c].

Preamble.

WHEREAS the Secretary of State for India in Council has by Resolution in Council declared the provisions of the 33rd of Vict., cap. 3, section 1[a], to be applicable from the first day of January, 1873, to the districts of Kohistán, Johee, Nasírábád, Sujáwal, Sehwán, Kakkar, Kambar, Jacobábád, Thul and Kasmor bordering on the frontier of Sindh from Mithi on the Indus to the sea west of Karáchi;

And whereas the Governor of Bombay in Council has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same, for the peace and government of the said districts;

And whereas the Governor General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor General's assent:

In pursuance of the direction contained in the said section the following Regulation is now published in the Gazette of India, and will be published in the local Gazette, and will thereupon have the force of law:—

Frontier tribe acting in unfriendly manner towards British Government.

1. In the event of any frontier tribe acting in a hostile or unfriendly manner to the British Government, it shall be lawful for the District Magistrate [d], with the previous sanction of the Commissioner in Sindh, to sentence

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[a] Printed in the Collection of Statutes relating to India, Vol. II, Ed 1881, p. 878.

[b] Regulation III of 1892 is to be read with, and taken as part of, Regulation V of 1872—see Regulation III of 1892, s 3, *infra*, p. 279.

[c] This title was given by Notification No. 13, dated 11th October, 1875, in Gazette of India, 1875, Pt. I, p 529.

[d] The words "District Magistrate" were substituted for the original words by Regulation III of 1892, s. 2 (2).

to simple imprisonment for such term as he thinks fit all or any members of the said tribe and to detain or confiscate their property (provided that the person so sentenced and the property so detained or confiscated be within British territory), and also to debar members of the tribe from access into British territory, and to prohibit British subjects from all intercourse with such tribe.

New hamlet, etc., not to be erected without consent of District Magistrate.

2. No new hamlet, village, tower or walled enclosure shall be erected in British territory within twenty miles of the frontier-line without the consent of the District Magistrate[a], who shall have power to prohibit the erection thereof if deemed necessary. In the event of the District Magistrate[a] prohibiting such erection, he must record the grounds of his decision. The District Magistrate[a] shall also have power to pull down any such walled enclosure erected without his knowledge.

Levy of fines on village-communities.

3. The Deputy Collector and Magistrate of the division of the district[b], with the concurrence of the District Magistrate[a], may impose fines on village-communities, the members of which, after due enquiry, are found to be guilty of colluding with or harbouring criminals, or combining to suppress evidence in criminal cases:

Provided that when the fine imposed shall exceed Rs. (10) ten per head of offenders of the village, the case shall be referred for sanction to the Commissioner in Sindh.

Recovery of fines.

All fines imposed under this section shall be recoverable in default of payment in the same manner as arrears of land-revenue.

Power of Magistrate in respect of residence of certain individuals.

4. When any person is known or believed to have a blood-feud or other cause of quarrel likely to lead to bloodshed with parties beyond the border, the District Magistrate[a] may require such person to reside beyond the limits of the territory to which these rules apply, or in such place within the territory as he may deem desirable:

Provided that if such person be a resident of the village, hamlet or place from which he is required to remove, the sanction of the Commissioner in Sindh be obtained.

Power of Commissioner to order removal of village.

5. Whenever it may be expedient on military grounds, it shall be lawful for the Commissioner in Sindh to direct the removal of any village on the immediate border to any other site within fifty miles of the original site, and to award such sums to the inhabitants as shall, in the opinion of the Commis-

[a] The words "District Magistrate" were substituted for the original words by Regulation III of 1892, s. 2 (2), printed *infra*, p. 279.

[b] Now Sub-divisional Magistrate—see Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 16th December, 1888, published by the Legislative Department.)

sioner in Sindh, be proper compensation for any loss which may have been occasioned to them by such removal. The Commissioner shall grant an order on the proper officer for the amount of the compensation awarded.

6. [*Referring of cases to Elders.*] *Repealed by Regulation III of 1892.*

Penalty for adultery.

7. Any man who has sexual intercourse with a person who is, and whom he knows or has reason to believe to be, the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape,

and any married woman who knowingly and by her own consent has sexual intercourse with any man who is not her husband without the consent or connivance of her husband,

is guilty of the offence of adultery, and shall be punished [a] with rigorous or simple imprisonment for a term which may extend to five years, or with fine, or with both.

Tender of pardon.

8. The District Magistrate [b], any Magistrate of the First Class enquiring into the case, or, with the sanction of the District Magistrate [b], any Magistrate duly empowered to commit to the Court of Sessions, may, after recording his reason for so doing, tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in, or privy to, any offence on condition of his or their making a full, true and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

Any person accepting a tender of pardon under this section shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, shall be detained in custody, pending the termination of the trial.

A Magistrate having tendered a pardon under this section and examined the accused person is precluded from trying the case himself.

Penalties.

9. Persons offending against any of the rules here laid down, or against any prohibition or requisition made under the first, second, fourth or fifth sections of this Regulation, shall be liable on conviction [a] to imprisonment,

[a] As to the application of ss. 60, 63, 64, 65, 68 to 74 and s. 67 of the Indian Penal Code to sentences passed under s 7 or s. 9 of Regulation V of 1872, see Regulation III of 1892, s. 28 (*1*), *infra*, p. 286.

[b] The words "District Magistrate" were substituted for the original words by Regulation III of 1892, s. 2 (*2*), printed *infra*, p. 279.

rigorous or simple, which may extend to six months, or fine which may extend to Rs. 1,000.

Register of cases.

10. In every district a register shall be kept of all cases dealt with under this Regulation, and a statement of all such cases shall be submitted half-yearly to the Commissioner in Sindh.

Supersession of Code of Criminal Procedure and Indian Penal Code.

11. In so far as this Regulation is inconsistent with the provisions of the Code of Criminal Procedure, 1882[a], and the Indian Penal Code [b], this Regulation supersedes the provisions of those enactments. X of 1882. XLV of 1860.

REGULATION No. XI OF 1887.

[*Received of the Governor General's assent on 23rd August, 1887; published in the Gazette of India, 1887, Pt. I, p. 436, and in the Bombay Government Gazette, 1887, Pt. I, p. 755.*]

A Regulation to place restrictions on the entry of Pilgrims and other Indigent Persons into Aden.

WHEREAS it is expedient to place restrictions on the entry of pilgrims and other indigent persons into Aden; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Regulation may be called the Aden Pilgrims and Paupers Regulation, 1887; and

(*2*) It shall come into force at once.

Definitions.

2. In this Regulation—

(*1*) "Aden" means the Settlement of Aden and its dependencies for the time being, inclusive of the villages of Shaikh Othman, Imad and Hiswa, the Island of Perim and Little Aden[c]:

(*2*) "pilgrim" means a person proceeding to or returning from a pilgrimage to the Hadjaz:

(*3*) "prescribed" means prescribed by a rule under this Regulation: and

(*4*) "Resident" means the Political Resident at Aden.

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[a] The reference to Act X of 1872 is altered in accordance with Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

[b] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[c] See now Reg II of 1891, ss. 2 and 3, *infra*, p. 277.

PART I.

PILGRIMS.

Lodgment of pilgrims.

3. A pilgrim shall, on arriving at Aden by land or by sea, proceed forthwith to a prescribed place, and shall not, without the permission in writing of the Resident, or of an officer appointed by the Resident in this behalf, leave the limits of the prescribed place except for the purpose of going directly on board ship.

Power to Resident to make rules.

4. The Resident may from time to time make rules—

(*a*) fixing places for the accommodation of pilgrims and determining the limits thereof:

(*b*) providing for the sanitary regulation of those places:

(*c*) fixing fees to be paid by pilgrims for accommodation thereat: and

(*d*) generally for carrying out the purposes of this Part.

Penalties.

5. If a pilgrim contravenes either of the provisions of section 3, or any provision of a rule under section 4, he shall be punished with fine which may extend to one hundred rupees.

Recovery of fees.

6. If a prescribed fee is not paid at the prescribed time, it may be recovered, on application to a Magistrate, by the distress and sale of any moveable property belonging to the defaulter.

PART II.

INDIGENT PERSONS.

Power to prohibit landing of indigent persons.

7. (*1*) The Resident, with the previous sanction of the Governor of Bombay in Council, may from time to time, by notification, prohibit, from a date specified in the notification, and either absolutely or subject to conditions, the conveyance to and landing at Aden of indigent persons, whether pilgrims or not, being natives of Asia or Africa.

(*2*) A prohibition under this section shall continue in force for so long as the Resident, with the concurrence of the Governor of Bombay in Council, considers it to be necessary for military, sanitary or other reasons.

(*3*) The notification of the prohibition shall be published in the Gazette of India and in the Bombay Government Gazette and in such other manner as the Resident thinks fit or as the Governor of Bombay in Council directs; and the date specified therein shall, so far as circumstances appear to the Resident to admit, be so fixed that owners and masters of vessels which are in the habit of conveying passengers to Aden may have timely information of the contents of the notification.

Penalty for breach of prohibition.

8. (*1*) If any person knowingly contravenes a prohibition under the last foregoing section, or commits a breach of any condition to which the prohibition is subject, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

(*2*) Where the owner or master of a vessel, with or in relation to which an offence under sub-section (*1*) is alleged to have been committed, is accused under that sub-section, the vessel may, by order of the Resident, be detained; and, if the owner or master is adjudged to pay a fine for the offence, the Court may, in addition to any other process for compelling payment, direct the levy of the fine by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

PART III.

Supplemental Provision.

Questions as to applicability of Regulation.

9. If in any case a question arises as to the applicability of this Regulation to a person as a pilgrim or an indigent person, a statement in writing by the Resident, or by an officer appointed by the Resident in this behalf, that the person is or was believed to be a pilgrim or an indigent person, as the case may be, shall be conclusive proof that this Regulation is or was applicable to him as such.

REGULATION No. II of 1891.

[*Received the Governor General's assent on 29th April, 1891; published in the Gazette of India, 1891, Pt. I, p. 219, and in the Bombay Government Gazette, 1891, Pt. I, p. 409.*]

A Regulation for determining the Laws to be in force in Aden and its Dependencies.

Whereas it is expedient to extend the Act of the Governor General in Council No. II of 1864 [a] and other enactments to such dependencies of Aden for the time being as are administered by the Governor of Bombay in Council, and to make provision for the exception of the whole or any part of

[a] Printed *supra*, p. 117.

Aden or its dependencies from any enactment for the time being applying thereto; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Regulation may be called the Aden Laws Regulation, 1891; and

(*2*) It shall come into force on such day [a] as the Governor of Bombay in Council, by notification in the Bombay Government Gazette, appoints in this behalf.

Definition of "Aden."

2. In this Regulation, and in all enactments and rules heretofore or hereafter passed and made by the Governor General in Council or the Governor of Bombay in Council, the word "Aden" shall, unless there is something repugnant in the subject or context, or the word is used with reference to Her Majesty's Vice-Admiralty Court at Aden, be construed to mean the settlement of Aden and such of its dependencies for the time being, inclusive of the villages of Shaikh Othman, Imad and Hiswa, the Island of Perim and Little Aden, as are administered by the Governor of Bombay in Council.

Local extent of enactments now applying to any part of Aden.

3. Any enactment which at the commencement of this Regulation is in force in any part of Aden shall be thereafter deemed, until it is repealed or its operation is withdrawn under this Regulation or otherwise, to be in force throughout the whole of Aden.

Power to except from operation of enactments applying to Aden.

4. (*1*) The Governor of Bombay in Council, with the previous sanction of the Governor General in Council, may, by notification in the Bombay Government Gazette, except the whole or any part of Aden from the operation of the whole or any part of any enactment which has been declared to be in force in Aden or been extended thereto under the Scheduled Districts Act, XIV of 1874. 1874 [b], or has been especially enacted therefor by the Governor General in Council or the Governor of Bombay in Council, or having been enacted by either of those authorities, extends thereto under the last foregoing section or by reason of its applying to territories comprising Aden.

(*2*) With the like sanction and by a like notification, the Governor of Bombay in Council may vary or cancel a notification under sub-section (*1*).

Cancellation of notification under Scheduled Districts Act, 1874.

5. The notification[c] of the Governor of Bombay in Council, No. 823, dated the 10th February, 1886, respecting the Island of Perim, is hereby cancelled.

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[a] the 1st June 1891—see Bombay Government Gazette, 1891, Pt. I, p 409.
[b] Printed, General Acts, 1867-76, Ed. 1887, 478.
[c] Printed in the Appendix to this Volume, p lv.

THE SINDH FRONTIER REGULATION, 1892.

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REGULATION No. III OF 1892.

[*Received the Governor General's assent on 22nd April, 1892; published in the Gazette of India, 1892, Pt. I, p. 189, and in the Bombay Government Gazette, 1892, Pt. I, p. 369.*]

A Regulation to amend the Law for the Suppression of Crime on the Sindh Frontier.

WHEREAS it is expedient to amend the law for the suppression of crime on the Sindh frontier; It is hereby enacted as follows:—

Preliminary.

Title and commencement

1. (*1*) This Regulation may be called the Sindh Frontier Regulation, 1892; and

(*2*) It shall come into force at once.

II of 1884. V of 1872.

Repeal.

2. (*1*) The Sindh Frontier Regulation, 1884, and section 6 of the Sindh Frontier Regulation, 1872[a], are hereby repealed.

(*2*) In the Sindh Frontier Regulation, 1872[a], the words "District Magistrate" shall be substituted for the words "Collector and Magistrate of the district" and for the words "Collector and Magistrate," wherever they occur.

Regulation to be read with Regulation V of 1872.

3. This Regulation shall be read with, and taken as part of, the Sindh Frontier Regulation, 1872 [a].

Definition.

4. In this Regulation, "Council of Elders" means three or more persons convened according to the Pathan, Baluch or other usage, as the District Magistrate may in each case direct.

Council of Elders.

Civil references to Council of Elders.

5. (*1*) When the District Magistrate is satisfied from a police-report or other information that a dispute exists likely to cause a blood-feud, or murder, or culpable homicide not amounting to murder, or mischief, or a breach of the peace, he may, if he considers that the settlement thereof in the manner provided by this section will tend to prevent or terminate the consequences anti-

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[a] Printed *supra*, 271.

cipated, and if a suit is not pending in respect of the dispute, make an order in writing, stating the grounds of his being so satisfied and referring the dispute to a Council of Elders.

(*2*) The reference shall state the matter or matters on which the finding of the Council of Elders is required.

(*3*) On receipt of a finding of a Council of Elders under this section the District Magistrate may—

(*a*) remand the case to the Council for a further finding, or

(*b*) refer the case to a second Council, or

(*c*) refer the parties to the Civil Court, or

(*d*) pass a decree in accordance with the finding of the Council on any matter stated in the reference, or

(*e*) declare that further proceedings under this section are not required.

Effect of decree on finding of Council.

6. A decree passed under section 5, sub-section (*3*), clause (*d*), shall not give effect to any finding or part of a finding which, in the opinion of the District Magistrate, is contrary to good conscience or public policy, but shall—

(*a*) be a final settlement of the case so far as the decree relates to any matter stated in the reference, although other matters therein stated may remain undisposed of, and

(*b*) have, to that extent and subject to the provisions of this Regulation with respect to revision, the same effect as a decree of a Civil Court of ultimate resort, and be enforced by the District Magistrate in the same manner as a decree of such a Court may be enforced.

Restriction on jurisdiction of Civil Courts.

7. A Civil Court shall not take cognizance of any claim with respect to which the District Magistrate has proceeded under section 5, sub-section (*3*), clause (*a*), clause (*b*) or clause (*d*).

Criminal references to Councils of Elders.

8. (*1*) If, in the opinion of the Commissioner in Sindh or of the District Magistrate, it is inexpedient that the question of the guilt or innocence of any person or persons accused of any offence punishable under the Indian Penal Code [*] with death or transportation for life, or of any of several persons so accused, should be tried by a Court of Session, the District Magistrate may, or, if the Commissioner in Sindh shall so direct, shall, refer the question to the decision of a Council of Elders, and require the Council to come to a finding on the question, after such inquiry as may be necessary and hearing the accused. XLV of 1860.

[*] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

(*2*) On receipt of the finding of a Council of Elders under this section, the District Magistrate may—

(*a*) remand the question to the Council for a further finding, or

(*b*) refer the question to a second Council, or

(*c*) acquit the accused person or persons, or any of them, or,

(*d*) in accordance with the finding of the Council on any matter of fact, convict the accused person or persons, or any of them, of any offence of which the facts found show him or them to be guilty.

Punishment on conviction on finding of Council.

9. (*1*) If any person accused under section 8 shall be convicted of any offence punishable under the Indian Penal Code [*] with death or transportation for life, the District Magistrate may pass upon him any sentence of fine, or in lieu thereof, or in addition thereto, of imprisonment for any term not exceeding seven years or of transportation for seven years.

XLV of 1860.

(*2*) If any person so accused as aforesaid shall be convicted of any offence, the District Magistrate may pass upon him any sentence of fine.

Disposal of fines.

10. (*1*) The District Magistrate may, when he imposes a sentence of fine, order the whole or any part of the fine recovered to be applied—

(*a*) in defraying expenses properly incurred in the prosecution, or

(*b*) in compensation for the injury caused by the offence committed, where in the opinion of the District Magistrate such injury can be compensated by money, or

(*c*) partly in one of such methods and partly in the other.

(*2*) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid as compensation under sub-section (*1*).

Manner of enforcing sentences.

11. Any sentence passed under section 9 shall be executed in the manner provided for sentences passed by a Court of any of the classes mentioned in section 6 of the Code of Criminal Procedure, 1882 [b].

Time for exercising power of reference to Council of Elders.

12. The powers conferred by section 8 on the Commissioner in Sindh and the District Magistrate may be exercised by them respectively in cases committed to the Court of Session at any time before the trial before that Court has commenced, and in cases pending before any Court inferior to the Court of Session at any time before an order of committal to the Court of Session has been made.

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[*] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.

Motion by public prosecutor in view to reference to Council of Elders.

13. (*1*) In any trial before a Court of Session the public prosecutor may, when instructed in writing in that behalf by the Commissioner in Sindh or the District Magistrate, at any time before the order of conviction or acquittal has been made with respect to any accused person, withdraw from the prosecution of that person, in order that the case may be referred to a Council of Elders.

(*2*) The Sessions Judge shall thereupon stay proceedings with respect to that person, and the District Magistrate shall refer the case to a Council of Elders.

(*3*) A person in respect of whom the Sessions Judge has stayed proceedings under this section shall not be liable to be tried again before a Court of any of the classes mentioned in section 6 of the Code of Criminal Procedure, 1882[*], either for the same offence or on the same facts for any other offence. X of 1882.

Case of persons jointly accused of an offence.

14. The powers conferred by section 8 as limited by section 12 may be exercised against, and the withdrawal of a prosecution under section 13 may have reference to, one or some only of two or more persons jointly accused of an offence.

Recommendations of Council of Elders.

15. (*1*) When a Council of Elders, to which a reference has been made under this Regulation, makes any recommendation to which effect might be given, if it were a finding on a matter or question referred to the Council under this Regulation, the District Magistrate may deal with the recommendation or any part of it as if the recommendation or such part thereof were a finding under section 5 or section 8.

(*2*) When the District Magistrate deals with a recommendation under subsection (*1*), he may pass any such decree as is authorized by section 5, or any such sentence of fine as is authorized by section 9, and the decree or sentence shall have the same effect and be enforced in the same manner as if it were a decree or sentence passed under section 5 or section 9, as the case may be.

Record of District Magistrate.

16. (*1*) When the District Magistrate passes under this Regulation a sentence of fine exceeding two hundred rupees, or of imprisonment for a term exceeding three months, or of transportation, he shall make a record of the facts of the case, of the offence committed, and of his reasons for passing the sentence.

(*2*) The record shall be made by the District Magistrate in English, and in his own hand, unless he is prevented by any sufficient reason from so making it, in which case he shall record the reason of his inability, and shall cause the record to be made from his dictation in open Court.

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[*] For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.

Revision of decrees and sentences.

17. (*1*) No appeal shall lie from a decree or sentence passed under this Regulation.

(*2*) The Commissioner in Sindh may call for the record of any proceeding under this Regulation and revise a decree on the ground that it is contrary to good conscience or public policy, or a sentence on the ground that it is illegal or excessive.

(*3*) When the Commissioner in Sindh finds it necessary to revise a decree or sentence in any case under sub-section (*2*), he may pass any order in the case which the District Magistrate might have passed.

(*4*) The provisions of this Regulation with respect to the effect of, and the mode of enforcing, a decree or sentence of the District Magistrate shall apply to a decree or sentence as revised by the Commissioner in Sindh.

Attendance of parties and witnesses before Council of Elders.

18. Whenever a reference is made to a Council of Elders under this Regulation, the District Magistrate may order that the parties and their witnesses shall appear before the Council of Elders in person at a place and time specified in the order.

Preventive Jurisdiction.

Arrest without warrant in cases under section 498 of the Indian Penal Code.

19. (*1*) When there is reason to believe that any person has committed or attempted to commit an offence punishable under section 498 of the Indian XLV of 1860. PenalCode [a], an officer in charge of a police-station may without an order from a Magistrate and without a warrant, arrest that person on the requisition of the husband of the woman, or, in his absence, of any person having the care of her on his behalf, or, in the absence of both the husband and every such person as last aforesaid from the village in which the woman resides, on the requisition of a headman of the village.

(*2*) A police-officer making an arrest under sub-section (*1*) shall, without unnecessary delay, take or send the person arrested to the nearest Magistrate having jurisdiction.

(*3*) The Magistrate may, in default of bail being furnished to his satisfaction, detain the person arrested for such period not exceeding fifteen days as may be necessary to enable the husband, or in his absence, any person who had care of the woman in his behalf, to make a complaint.

Security for Good Behaviour.

Security for

20. (*1*) When the District Magistrate or the Commissioner in Sindh is

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

the prevention of murder or culpable homicide.

of opinion that it is necessary, for the purpose of preventing murder or culpable homicide not amounting to murder, to require any person to execute a bond for good behaviour, he may, on the conditions and in the circumstances mentioned in this section, order such person to execute a bond, with or without sureties, for his good behaviour during such period, not exceeding three years, as the District Magistrate or the said Commissioner, as the case may be, may fix.

(*2*) The District Magistrate may make an order under sub-section (*1*)—

(*a*) on the recommendation of a Council of Elders, or

(*b*) after enquiry as hereinafter provided.

(*3*) When any person has been convicted in accordance with the finding of a Council of Elders of an offence mentioned in section 106 of the Code of Criminal Procedure, 1882 [a], or punishable under section 302, 304, 307 or 308 of the Indian Penal Code [b], the District Magistrate at the time of passing sentence, or the Commissioner in Sindh at the time of revising the sentence, may make an order under sub-section (*1*) with respect to that person. X of 1882. XLV of 1860.

(*4*) When the District Magistrate makes an order under sub-section (*1*) on the recommendation of a Council of Elders, he shall record his reasons for acting on the recommendation.

Security from families when a blood-feud exists or is probable.

21. When a blood-feud or other cause of quarrel likely to lead to bloodshed exists, or in the opinion of the District Magistrate is likely to arise, between two families, the District Magistrate may, on the recommendation of a Council of Elders, or after inquiry as hereinafter provided, order all or any members of both families or of either family to execute a bond, with or without sureties, for their good behaviour during such period, not exceeding three years, as he may fix.

Procedure in inquiry.

22. (*1*) An inquiry for the purposes of section 20 or section 21 may be conducted, so far as may be necessary, out of Court.

(*2*) Every person from whom it is proposed to require a bond under section 20, and the principal members of any family from which it is proposed to require a bond under section 21, shall have an opportunity of showing cause in Court why such bond should not be required, and of having his or their witnesses examined there, and of cross-examining any witness not called by himself or themselves who may testify there to the necessity for the execution of such bond.

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[a] For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.

[b] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

(*3*) Sections 112, 113, 115 and 117 of the Code of Criminal Procedure, X of 1882. 1882 [a], shall not apply to an inquiry under this section, but the District Magistrate shall record his order with the reasons for making it.

Breach of Bond.

23. (*1*) The commission or attempted commission, or the abetment, by any person who has given security for good behaviour under section 20, of XLV of 1860. any offence punishable under Chapter XVI of the Indian Penal Code [b] with imprisonment for a term of one year or upwards, shall be a breach of the bond.

(*2*) If, while a bond executed under section 21 is in force, the life of any member of either family is unlawfully taken or attempted to be taken by, or with the abetment of, any member or members of the other family, the District Magistrate may declare the bond of all or any of the members of the other family, and their sureties (if any), to be forfeited.

Imprisonment in default of security.

24. (*1*) If any person ordered to give security for good behaviour under section 20 or section 21 does not give security on or before the date on which the period for which the security is to be given commences, he may be committed to prison, or, if he is already in prison, be detained in prison, until that period expires, or until within that period he has given the required security to the officer who made the order requiring it or to the officer in charge of the jail in which he is detained.

(*2*) Imprisonment for failure to give security under section 20 or section 21 may be rigorous or simple, as the officer requiring the security may in each case direct.

Length of imprisonment.

25. No person, who has suffered imprisonment for three years for failure to give security for good behaviour under section 20 or section 21, shall be again required to give security unless or until a fresh order has been passed in accordance with the provisions of this chapter or of the Code of Criminal X of 1882. Procedure, 1882.[a]

Further security.

26. (*1*) Any person, who has under section 20 or section 21 given security or been imprisoned for failure to give security, may be brought before the District Magistrate if, on the expiry of the period for which security was required to be given, the District Magistrate shall so direct.

(*2*) When the District Magistrate thinks it necessary for the purpose of preventing bloodshed to require security for a further period from any person so brought before him, he shall record a proceeding to that effect.

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[a] For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.

[b] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

(*3*) Such proceeding may be founded on the facts on which the original order to give security was founded, and it shall not be necessary to prove any fresh facts to justify an order to give security for a further period under this section, and such order, if passed, shall have the same effect and be enforced in the same manner as an original order to give security under section 20 or section 21.

(*4*) Notwithstanding anything in this section, no person shall suffer for failure to give security under section 20 or section 21 continuous imprisonment for more than six years, or, without the sanction of the Commissioner in Sindh, for more than three years.

Relation of sections 20 to 26 to the ordinary law.

27. Sections 20 to 26 (both inclusive) shall be read with and construed as part of Chapter VIII of the Code of Criminal Procedure, 1882[a], which shall, except when the contrary is expressed or implied, be applicable, so far as may be, to cases of requiring or giving security under section 20, 21 or 26. X of 1882.

Supplemental.

Application of provisions of Indian Penal Code respecting fines and imprisonment.

28. (*1*) The provisions of sections 60, 63, 64 and 65 and of sections 68 to 74 (both inclusive) of the Indian Penal Code [b] and, subject to the provisions of sub-section (*3*) of this section, the provisions of section 67 of the said Code shall apply to sentences passed under this Regulation, or under section 7 or section 9 of the Sindh Frontier Regulation, 1872 [c]. XLV of 1860. V of 1872.

(*2*) Any offence punishable under section 9, sub-section (*1*), of this Regulation shall, for the purposes of sections 64 and 65 of the Indian Penal Code [b], be deemed to be punishable with rigorous imprisonment for a term which may extend to ten years. XLV of 1860.

(*3*) Any imprisonment imposed by the District Magistrate in default of payment of a fine may be rigorous or simple at his discretion.

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[a] For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.

[b] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[c] Printed, *supra*, p. 273.

APPENDIX.

ENACTMENTS NOTIFIED FOR SCHEDULED DISTRICTS IN BOMBAY UNDER THE SCHEDULED DISTRICTS ACT, 1874[a].

The Scheduled Districts in Bombay are—

1. The Province of Sindh[b].
2. Aden[c].
3. The villages belonging to the following Mehwassi Chiefs[b] :—
   (1) the Párví of Káthí;
   (2) the Párví of Nál;
   (3) the Párví of Singpúr;
   (4) the Walwi of Gaohállí;
   (5) the Wassáwa of Chikhlí;
   (6) the Párví of Nawalpúr.

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[a] Printed, General Acts, 1867-76, Ed. 1887, p. 478.

[b] See Part II of the First Schedule to Act XIV of 1874, in General Acts, 1867-76, Ed. 1887, p. 483.

[c] Aden was declared, by the Scheduled Districts Act, 1874, to be a scheduled district—see Part II of the First Schedule to the Act, in General Acts, 1867-76, Ed. 1887, p. 483.

The provisions of 33 Vict., chapter 3, section 1, were declared applicable to the Island of Perim from the 10th September, 1884—see Gazette of India, 1887, Part I, p. 239. The island therefore became a scheduled district, under the operation of the Scheduled Districts Act, 1874, s. 1.

The provisions of 33 Vict., chapter 3, section 1, were declared applicable to Aden from the 30th September, 1885—see Gazette of India, 1885, Part I, p. 675.

The said provisions were again declared applicable, from the 9th November, 1886, to the "Settlement of Aden and its dependencies (for the time being), inclusive of the villages of Shaikh Othman, Imad and Hiswa, the Island of Perim and Little Aden"—see Gazette of India, 1887 Part I, p. 33. This declaration was made in continuation of the declarations as to Perim and Aden noted immediately above—see Gazette of India, 1887, Part I, p. 240.

It has since been enacted that "in all enactments and rules heretofore or hereafter passed and made by the Governor General in Council or the Governor of Bombay in Council, the word 'Aden' shall, unless there is something repugnant in the subject or context, or the word is used with reference to Her Majesty's Vice-Admiralty Court at Aden, be construed to mean the settlement of Aden and such of its dependencies for the time being, inclusive of the villages of Shaikh Othman, Imad and Hiswa, the Island of Perim and Little Aden, as are administered by the Governor of Bombay in Council"—see Reg. II of 1891, s. 2, *supra*, p. 277.

4. The Districts of Kohistán, Johí, Nasirabad, Sujáwal, Sihwán, Kakkar, Kambar, Jacobábád, Thul and Kasmur[a].

5. The Peint Territory[b].

[The Panch Maháls ceased to be a Scheduled District from 1st May, 1885—see Act VII of 1885, section 4, printed *supra*, p. 261.]

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[a] The provisions of 33 Vict., chapter 3, section 1, have been declared applicable to these districts from the 1st January, 1873—see Gazette of India, 1872, Part I, p. 1076. The districts are therefore scheduled districts, under the operation of the Scheduled Districts Act, 1874, s. 1.

[b] The provisions of 33 Vict., chapter 3, section 1, have been declared applicable to the Peint Territory from the 14th July, 1885—see Gazette of India, 1885, Pt. I, p 518. The territory is therefore a scheduled district, under the operation of the Scheduled Districts Act, 1874, s. 1.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874.[a]

N.B.—In column 5 are shown those exceptions, restrictions and modifications only which are specifically mentioned in the notifications set out in column 6. When an enactment is declared in force in, or extended to, a scheduled district by notification under the Scheduled Districts Act, it is understood that the enactment is declared in force or extended subject to any modifications made in it by the Legislature up to the date of the notification. This is sometimes, though not always, expressed in the notifications themselves; but, whether expressed or not, the modifications are not noted in column 5 of these Lists, except where they are detailed in the notifications set out in column 6. They are noted in the Chronological Tables published with this Code, or (in the case of General Acts) with the volumes of General Acts issued by the Legislative Department of the Government of India.

1.—THE PROVINCE OF SINDH.

[The Scheduled Districts Act, 1874[a], was brought into force in the Province of Sindh by the following Notification, namely :—

No. 1471, dated the 1st October, 1877.—In exercise of the power conferred by section 3 of Act XIV of 1874[a] (the Scheduled Districts Act), His Excellency the Governor of Bombay is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in the Province of Sindh (see Gazette of India, 1877, Part I, p. 578, and Bombay Government Gazette, 1877, p. 871).]

1	2	3	4	5	
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(1).—Bombay Regulations.		
1827	[b] II	Caste-questions; Pleaders.	Declared in force in the Province of Sindh.	.....	*The 30th November, 1880.* *No. 1254.*—In exercise of the power

[a] Printed, General Acts, 1867-76, Ed. 1887, p. 478.
[b] Printed *supra*, P. I, p. 1.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended	Exceptions, restrictions and modifications.	Notification.
			(*1*).—*Bombay Regulations*—continued.		
1827	II	Caste-questions; Pleaders.			conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the President in Council, to declare that— (*a*) the enactments mentioned in Schedule A hereto annexed are in force in the Province of Sindh to the extent to which they are in force in any part of the Presidency of Bombay not included in any Scheduled District, (*b*) the enactments mentioned in Schedule B hereto annexed are in force in the places specified in the fourth column of the said Schedule to the extent specified in the third column thereof. 2. Nothing herein contained shall be deemed to affect the operation of any enact-

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(*1*).—*Bombay Regulations*—continued.		
1827	II	Caste-questions; Pleaders.			ment in force in the Province of Sindh and not mentioned in either of the said schedules. (Here follow the Schedules, which contain, among other enactments, Bombay Regulation II of 1827.) [See Gazette of India, 1880, Part I, p. 672, and Bombay Government Gazette, 1880, p. 1067.]
,,	[a] IV	Civil Courts [Law to be observed] (section 26 and section 69, clauses 2 and 3[b]).	Declared in force in the Districts of Thar and Parkar and the Upper Sindh Frontier.	.....	[See Notification No. 1254, dated 30th November, 1880. *supra*, p. iii.]
,,	,,	Civil Courts [Law to be observed] (section 26).	Declared in force in the Districts of Karáchi, Hyderabad and Shikárpur.	.....	Ditto.
,,	[a] V	Acknowledgment of Debts; Interest; Mortgages.	Declared in force in the Province of Sindh.	.....	Ditto.
,,	[a] VIII	Administration of Estates.	Ditto . .	.....	Ditto.

[a] Printed *supra*, Part I.
[b] Clauses 2 and 3 of section 69 of Bom. Reg. V of 1827 are repealed by Bom. Act V of 1879 (printed in Vol. II of this Code), wherever that Act is in force.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(*1*).—*Bombay Regulations*—continued.		
1827	[a] XII	Police (Duties and Powers of Magistrates).	Declared in force in the Province of Sindh.	.. ...	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]
„	[a] XIII	Criminal Courts (Substitution of letter for summons).	Ditto . .	.. ...	Ditto.
„	[b] XVI	Collectors of land-revenue.	Declared in force in the Districts of Thar and Parkar and the Upper Sindh Frontier.	Except the following portions, namely:— Sections 3, 6 and 10; section 11, clauses 4 and 5, section 14, clause 4, section 25; section 27, clause 3; Appendix (A); the last twenty-six words of the Preamble; in section 2, clause 2, the words "decide certain civil suits, and" and the words and figures "as more particularly specified in Regulation XVII, A. D 1827, Chapters VIII and X"; in section 5 the words "they shall, previously to executing the functions of their office, take before the Collector, or	Ditto.

[a] Printed *supra*, Part I.
[b] Bom Reg XVI of 1827 is repealed by Bom Act V of 1879 (printed in Vol II of this Code), wherever that Act is in force.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(*1*).—*Bombay Regulations*—continued.		
1827	XVI	Collectors of land-revenue.		before any of the Authorities enumerated in section 3, clause second, the oath specified in clause first of that section"; in section 14, clause 2, the words "to the judge"; the last eleven words of section 15, clause 2; the words "of hereditary District and Village Officers, inclusive" in the title to Chapter III; in section 23, clause 2, the word "the" before "stamped," and the words and figures "specified in Appendix (F) to Regulation XVIII, A. D. 1827"; and in section 26 the words and figures "as required by Regulation VII, A. D. 1827, section 4, clause third."	
"	[*]XVII	Land-revenue	Declared in force in the Districts of Thar and Parkar and the Upper Sindh Frontier.	Except the following portions, namely:— Section 9; section 13; section 15, clause 2; section 16, clauses 4 and 5;	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]

[*] Bom. Reg. XVII of 1827 is repealed by Bom. Act V of 1879 (printed in Vol. II of this Code), wherever that act is in force.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	
Year	No.	Subject	Places in or to which declared in force or extended	Exceptions restrictions and modifications.	Notification.
			(*1*).—*Bombay Regulations*—continued.		
1827	XVII	Land-revenue		section 29, clause 2; Chapters VIII, IX and X, section 15, clause 3, so far as it relates to clause 2 of the same section, Chapters VI and VII, so far as they provide for the institution of a suit before a Collector according to the provisions of Chapter VIII; in the Preamble, from and including the words "that the Collector" down to and including the words "Revenue-officers," and the last twenty-six words; in section 2, clause 1, the words and figures "under any of the provisions contained in Chapters IX and X of this Regulation"; in section 2, clause 2, the words "or in the enactments therein cited"; in section 4, clause 3, the words "by Regulation"; in section 5, clause 1, the words "according to the Regulations"; in section 12, clause 6, the words "Sadr,	

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(*1*).—*Bombay Regulations*—continued.		
1827	XVII	Land-revenue		or any"; in section 12, clause 7, the words and figures "in Regulation IV, A. D. 1827, section 62, clause second, and sections 66 and 69, and intervening sections;" in section 14 the words and figures "of Regulation IV, A. D. 1827, section 70;" in the title to Chapter IV, the words "and penal jurisdictions of the Zila Magistrates and Criminal Judge in such cases"; in section 26, clause 5, the words and figures "before the Collector according to the provisions of Chapter VIII," and "according to the provisions of Chapter VIII"; and in section 27 the words and figures "instituted before the Collector according to the provisions of Chapter VIII".	
„	XXII	Military authority [Assistance to marching	Declared in force in the Province of Sindh.	Except the following portions, namely:— *In the preamble, the*	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(1)—*Bombay Regulations*—continued.		
1827	[*] XXII	troops] (*Preamble and sections 18 to 21 and* 40 to 47.[*])		*words "that camp-followers" down to and including the words "civil power" and the last thirty words*, and in section 42 the word "both" and the last seven words in clause 4.	
,,	,,	*Military authority [Assistance to marching troops] (section 3, so far as it relates to the jurisdiction in small suits of the Superintendent of Bazars, section 7, clause 1, sections 22 to 27 and sections 30 34[*].)*	*Declared in force in the Province of Sindh, except the Cantonment of Karáchi.*	*Except the following portions, namely:— In section 7, clause 1, the first portion, down to and inclusive of the words "subordinate to Bombay"; in section 23 the last part, commencing with the words "and previous"; in section 25 the words and figures "in the mode described in section 5, clause first, in clause 3"; in section 26 the words and figure "in section 9 of this Regulation" in clause 1, and the word "Bombay" in clause 3; in section 32, the word "Bombay" and the last twenty-four words in clause 1.*	[*See Notification No. 1254, dated 30th November, 1880, supra, p iii.*]

[*] The whole of Bom. Reg. XXII of 1827, except sections 40 to 43, was repealed by Act XIII of 1889. These sections are printed *supra*, pp. 23 and 24.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(1).—Bombay Regulations—concluded.		
1827	[a] XXV	State Prisoners.	Declared in force in the Province of Sindh.	.....	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]
1832	[b] II	Farmers of land-revenue.	Declared in force in the Districts of Thar and Parkar and the Upper Sindh Frontier.	Except the following portions, namely:— In the preamble, the words "and land," "transit duties" and "to take effect from the date of promulgation;" and in section 1, clause 1, the words "land customs, transit duties."	Ditto.
			(2).—Acts of the Governor General in Council.		
1836	[c] XXVI	*Camp Police.*	*Declared in force in the Province of Sindh.*	.....	[See *Notification No. 1254, dated 30th November, 1880, supra, p.* iii.]
1837	[d] IV	Property in Land.	Ditto .	.....	Ditto.
„	[e]XXVII	Salt .	Ditto .	Except sections 1 and 12.	Ditto.
1838	[b] XVIII	Sureties, Bombay.	Declared in force in the Districts of Thar and Parkar and the Upper Sindh Frontier.	Except the first twelve words of section 1 and the first six words of each of the other sections.	Ditto.

[a] Printed *supra*, p. 25.
[b] Bom. Reg. II of 1832 and Act XVIII of 1838 are repealed by Bom. Act V of 1879 (printed in Vo. II of this Code), wherever the latter Act is in force.
[c] Act XXVI of 1836 was repealed by Act XII of 1891.
[d] Printed, General Acts, 1834-66, Ed. 1887, p. 3.
[e] Not reprinted.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1838	[a] XIX	Coasting vessels, Bombay.	Declared in force in the Province of Sindh.	.....	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]
1839	[a]XX	Levy of Haqqs, &c., Bombay.	Ditto . .	.....	Ditto.
„	[b]XXXII	Interest .	Ditto .	.....,	Ditto.
1840	[c] VI	*Bills of Exchange.*	*Ditto* .	.....	*Ditto.*
„	[d]XXIII	*Execution in Presidency-towns of Mufassal Process.*	*Ditto* .	.....	*Ditto.*
1841	[e] X	Registration of ships.	Ditto .	.....	Ditto.
„	[f] XI	*Military Courts of Requests.*	*Declared in force in the Province of Sindh, except the Cantonment of Karáchi.*	*Except the following portions, namely :— Section 18 ; in section 1, the first twenty-one words ; in sections 3 to 17 (both inclusive) the first six words ; in section 5, the words and figures "of the East India Company under Act No. VII of*	*Ditto.*

[a] Printed *supra*, Part I I.
[b] Printed, General Acts, 1834-66, Ed. 1867, p. 18.
[c] Act VI of 1840 was repealed by Act XXVI of 1891, printed, General Acts, 1877-81, Ed. 1884, p. 493.
[d] Act XXIII of 1840 was repealed by Act X of 1882.
[e] For Act X of 1841 see the revised edition, as modified up to 1st December, 1893, published by the Legislative Department.
[f] Act XI of 1841 was repealed by Act VIII of 1887.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1841	XI	*Military Courts of Requests.*		*1841" and "pursuant to the provisions of Act No. VII of 1841"; in section 9 the proviso; and in section 15 the words and figures "(for which purpose the provisions of Act No. II of 1840 shall be applicable)."*	
„	[a] XIX	Curators in cases of Succession.	Declared in force in the Province of Sindh.	.....	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]
1842	[b] XII	*Military Bazars.*	*Declared in force in the Province of Sindh, except the Cantonment of Karáchi.*	*Except the following portions, namely:—* *In section 2, the words and figures "and it is hereby declared that" and "and No. XXVIII of 1841."*	*Ditto.*
„	[c] XIII	Revenue, Bombay.	Declared in force in the Districts of Thar and Parkar and the Upper Sindh Frontier.	Except the following portions, namely:— In section 2, the first six words and the words "that it;" and in sections 3 to 8 (both inclusive) the first six words.	Ditto.

[a] Printed, General Acts, 1834-66, Ed. 1887, p. 33.
[b] Act XII of 1842 was repealed by Act VIII of 1887.
[c] Act XIII of 1842 is repealed by Bombay Act V of 1879, (printed in Vol. II of this Code), wherever that Act is in force.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1843	[a] V	Slavery .	Declared in force in the Province of Sindh.	.....	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]
1844	[b] XIX	Abolition of Town-duties, etc., Bombay.	Ditto . .	.....	Ditto.
1846	[c] I	Pleaders .	Ditto . .	.....	Ditto.
„	[c] III	Boundary-marks, Bombay.	Declared in force in the Districts of Thar and Parkar and the Upper Sindh Frontier.	Except the following portions, namely:— Sections 2, 3 and 4; and in sections 5 and 6 the first six words.	Ditto.
1847	[a] XX	Copyright .	Declared in force in the Province of Sindh.	.....	Ditto.
1850	[a] V	Coasting trade.	Ditto . .	.....	Ditto.
„	[d] XI	Registration of ships (amending Act X of 1841).	Ditto . .	.....	Ditto.
„	[e] XII	Public Accountants.	Declared in force in the Districts of Thar and Parkar and the Upper Sindh Frontier.	Except section 6 .	Ditto.

[a] Printed, General Acts, 1834-66, Ed 1887.
[b] Printed *supra*, p 60
[c] Act III of 1846 is repealed by Bom. Act V of 1879 (printed in Vol. II of this Code), wherever that Act is in force.
[d] For Act XI of 1850 see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department.
[e] Act XII of 1850 is printed in General Acts, 1834-66, Ed 1887, p. 58. So far as the Act applies to revenue-officers in the Presidency of Bombay, it is repealed by Bom. Act V of 1879 (printed in Vol. II of this Code) wherever the latter Act is in force.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1850	[a] XII	Public Accountants.	Declared in force in the Districts of Karáchi, Hyderabad and Shikárpur.	Except in so far as it applies to Revenue-officers, and except section 6.	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]
„	[b] XVIII	Protection of Judicial Officers.	Declared in force in the Province of Sindh.	.. ...	*The 9th August, 1878. No. 1023.*—In exercise of the power conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the enactments mentioned in the first column of the Schedule hereto annexed are in force in the Province of Sindh to the extent mentioned in the third column of the said Schedule. (Here follows the Schedule, which contains, among other enactments, Act XVIII of 1850.) [See Gazette of India, 10th August, 1878, Part I, p. 481, and Bombay Government Gazette, 1878, Part I, p. 503.]

[a] See foot-note [a] on last preceding page.
[b] Printed, General Acts, 1834-66, Ed. 1867, p 60.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1852	[a] XIX	Binding Apprentices.	Declared in force in the Province of Sindh.	.....	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]
„	[a] XXI	Non-forfeiture of Rights by loss of Caste.	Ditto . .	.....	Ditto.
„	[a] XXXIV	State Prisoners.	Ditto . .	.....	Ditto.
„	[a] XXXVII	Inquiries into Behaviour of Public Servants.	Ditto . .	.....	Ditto.
„	[b] III	*Spirituous Liquors, Bombay.*	*Ditto* . .	*Except section 9* .	*The 6th July, 1878. No. 867.—In exercise of the power conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the enactment mentioned in the first column of the Schedule hereto annexed is in force in the Province of Sindh to the extent mentioned in the*

[a] Printed, General Acts, 1834-66, Ed 1887.
[b] Act III of 1852 was repealed by Bom. Act V of 1878.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year	No	Subject	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification
		(2).—*Acts of the Governor General in Council*—continued.			
1852	III	*Spirituous Liquors, Bombay.*			*third column of the said Schedule).* (*Here follows the Schedule.*) [*See Gazette of India, 1878, Part I, p. 422, and Bombay Government Gazette, 1878, Part I, p. 433.*]
.	[a] VIII	Sheriffs' fees.	Declared in force in the Province of Sindh.	...	[See Notification No. 1254. dated 30th November, 1880, *supra*, p. iii.]
„	[a] XXX	Naturalization of Aliens.	Ditto .	.....	Ditto.
„	[b]XXXIII	*Enforcement of judgments.*	*Ditto* . .	.....	*Ditto.*
1853	[a] II	Public Charges on Landholders.	Ditto . .	.....	Ditto.
„	[c]XVIII	*Sale of Spirits in Cantonments.*	*Declared in force in the Province of Sindh except the Cantonment of Karáchi.*	*Except the following portion, namely.— In section 16 the words "shall not come into operation before the first day of January 1854, and".*	*Ditto.*
„	[a] XX	Pleaders .	Declared in force in the Province of Sindh.	.....	Ditto.

[a] Printed, General Acts, 1834-66, Ed. 1887.
[b] Act XXXIII of 1852 was repealed by Act VIII of 1887
[c] Act XVIII of 1853 was repealed by Act XIII of 1889.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—*Acts of the Governor General in Council*—continued.		
1854	[a] IV	*Cantonment Bazars, Bombay.*	*Declared in force in the Province of Sindh except the Cantonment of Karáchi.*	.....	[See *Notification No. 1254, dated 30th November, 1880, supra, p. iii.*]
„	[b]XVIII	*Railways (as amended in sections 1, 18, 19, 20, 21, 26 and 29 by Act XXV of 1871).*	*Declared in force in the Province of Sindh.*	*Except the following portions, namely:— Sections 32, 33 and 39; in the preamble the words "under the superintendence and control of the East India Company" and "in any part of the territories in the possession and under the government of the said Company;" in section 2 the words "or of the East India Company;" in section 34 the words "or by any Assistant to a Magistrate or Deputy Magistrate;" in section 35 the words "and District or Joint Police-officers in the Presidency of Bombay;" and in section 40 the words "within the said territories."*	[See *Notification No. 1023, dated 9th August, 1878, supra, p xv.*]

[a] Act IV of 1854 was repealed by Act XIII of 1889.
[b] Act XVII of 1854 was repealed by Act IV of 1879.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—The Province of Sindh—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1854	[a] XXXI	Conveyances of Land.	Declared in force in the Province of Sindh.	.....	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]
1855	[b] X	Recusant Witnesses.	Ditto .	.....	Ditto.
„	[a] XI	Mesne Profits and Improvements.	Ditto .	.....	Ditto.
„	[a] XII	Suits for Wrongs: Executors and Administrators.	Ditto .	.....	Ditto.
„	[a] XIII	Compensation for loss occasioned by Death.	Ditto .	.....	Ditto.
„	[a] XXIV	Penal Servitude.	Ditto .	.....	Ditto.
„	[a]XXVIII	Repeal of Usury Laws	Ditto .	.....	Ditto.
1856	[c] VIII	*Jails* .	*Ditto* .	.....	*Ditto.*
„	[a] IX	Bills of Lading.	Ditto .	.....	Ditto.
„	[a] XI	European Deserters.	Ditto .	.....	Ditto.
„	[a] XV	Re-marriage of Hindu Widows.	Ditto .	.....	Ditto.

[a] Printed, General Acts, 1834-66, Ed. 1887.
[b] Printed *supra*, p. 71.
[c] Act VIII of 1856 was repealed by Act IX of 1894.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject	Places in or to which declared in force or extended	Exceptions, restrictions and modifications	Notification
		(2).—*Acts of the Governor General in Council*—continued.			
1857	[a] XI	State Offences	Declared in force in the Province of Sindh.	. .	[See Notification No. 1254, dated 30th November, 1880, *supra*, p iii]
„	[a] XXV	Forfeiture of Property.	Ditto .	.....	Ditto.
„	[b] XXIX	Land-Customs, Bombay.	Ditto	.. ...	Ditto
1858	[a] III	State-Prisoners.	Ditto .	..	Ditto.
„	[a] XXXV	Lunacy, Mufassal Courts	Ditto .		Ditto
„	[a]XXXVI	Lunatic Asylums	Ditto .	Except the following portions, namely.— In section 6 the words "and the stations of the Straits Settlement," and "and stations," in section 7 the words "or in any station of the Straits Settlement," and in section 17 the words and figures from "or to affect" to the end of the section.	[See Notification No 1023, dated 9th August, 1878, *supra*, p. *xv*]
1859	[a] I	Merchant Seamen (as amended by the Indian Merchant Seamen's Act, 1876)	Ditto .	Except the following portions, namely:— Sections 1, 17, 21, 81, 82, 100, 101, 102, in section 63 the words "or in any station of the	Ditto.

[a] Printed, General Acts, 1834-66, Ed 1887
[b] Printed *supra*, p 102.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No	Subject	Places in or to which declared in force or extended	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1859	I	Merchant Seamen		Settlement of Prince of Wales' Island, Singapur and Malacca, to the Court of Judicature there," in section 67 the words "and in the Straits Settlement in such manner as the Governor shall notify;" and in section 112 the last eleven words.	
,,	[a] III	*Cantonment Joint Magistrates.*	*Declared in force in the Province of Sindh.*	...	[See *Notification No. 1254, dated 30th November 1880, supra, p* xxi.]
,,	[b] IX	Claims to property seized as forfeited	Ditto	. . .	Ditto.
,,	[c] XIV	*Limitation of Suits*	*Ditto* .	.. ...	*Ditto.*
,,	[d] XV	*Patents* .	*Ditto* .	. ...	*Ditto.*
1860	[e] II	*Carriage of Passengers by Sea.*	*Ditto* .		*Ditto.*
,,	[b] XXI	Registration of Societies	Extended to the Province of Sindh.		*The 30th November, 1880.* *No. 1255.*—In exercise of the power conferred by section 5 of

[a] Act III of 1859 was repealed by Act VIII of 1897.
[b] Printed, General Acts, 1834-66, Ed 1887
[c] Act XIV of 1859 was repealed by Acts IX of 1871 and I of 1877. For Act I of 1877 see the revised edition, as modified up to 1st July, 1894, published by the Legislative Department
[d] Act XV of 1859 was repealed by Act V of 1888, printed, General Acts, 1885-88, Ed 1889, p 196.
[e] Act II of 1860 was repealed by Act XII of 1885, printed, General Acts, 1885 88, Ed 1889, p 6.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1860	XXI	Registration of Societies.			Act XIV of 1874 (the Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the President in Council, to extend Act XXI of 1860 (Registration of Societies) and Act I of 1877 (the Specific Relief Act) to the Province of Sindh. [See Gazette of India, 4th December, 1880, Part I, p. 676, and Bombay Government Gazette, 1880, Part I, p. 1072.]
„	[a]XXVII	*Collection of Debts on Succession.*	*Declared in force in the Province of Sindh.*	.....	[See *Notification No. 1254, dated 30th November, 1880, supra, p. iii.*]
„	[b]XLVIII	Registration of brothels (section 14).	Extended to the City of Karáchi.	.....	*The 4th March, 1884. No. 38.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Government of Bombay is pleased, with the previous sanction of the Governor General in Council, to extend section 14 (providing for the regulation of brothels) of Act XLVIII of 1860 to the City of Karáchi.

[a] Act XXVII of 1860 was repealed by Act VII of 1880.
[b] Printed *supra*, p. 111.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—Acts of the Governor General in Council—continued.		
1860	[a]XLVIII	Registration of brothels (section 14)			[See Gazette of India, 1884, Part I, p 110, and Bombay Government Gazette, 1884, Part I, p. 183.]
,,	,,	,,	Extended to the City of Hyderabad	.....	*The 8th July, 1884. No 91.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Government of Bombay is pleased, with the previous sanction of the Governor General in Council, to extend section 14 (providing for the regulation of brothels) of Act XLVIII of 1860 to the City of Hyderabad. [See Gazette of India, 1884, Part I, p 259, and Bombay Government Gazette, 1884, Part I, p 517.]
1863	[b] XVI	Excise on Spirits used exclusively in Manufactures.	Declared in force in the Province of Sindh.	.....	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]
,,	[b] XXXI	Official Gazette.	Ditto	.....	Ditto.
1864	[b] III	Foreigners	Ditto	Except the last fifteen words of section 24.	[See Notification No. 1023, dated 9th August, 1878, *supra*, p. xv.]

[a] Printed *supra*, p. 111
[b] Printed, General Acts, 1834-66, and 1867.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject	Places in or to which declared in force or extended	Exceptions, restrictions and modifications	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1864	[a] VI	Whipping .	Declared in force in the Province of Sindh.	Except sections 8 to 12 (both inclusive).	[See Notification No. 1023, dated 9th August, 1878, *supra*, p. xv.]
,,	[b] XX	*Minors, Bombay*	*Declared in force in the Province of Sindh.*	.....	[See *Notification No. 1254, dated 30th November, 1880, supra, p* xii.]
1865	[c] III	Common Carriers.	Ditto	.. ...	Ditto.
,,	[c] XI	*Mufassal Small Cause Courts*	*Ditto* .	....	*Ditto.*
,,	[c] XV	Pársi Marriage and Divorce.	Ditto .	.....	Ditto
,,	[c] XXI	Intestate Succession Pársis.	Ditto	... ..	Ditto.
1866	[d] X	*Trading Companies*	*Ditto*	.	*Ditto*
,,	[e] XXI	Dissolution of Native Converts' Marriages.	Ditto .	... ..	Ditto.
1867	[f] VII	*Purchasing arms, etc., from Soldiers.*	*Ditto*	.....	*Ditto.*

[a] Printed, General Acts, 1834 66, Ed 1887.
[b] Act XX of 1864 was repealed by Act VIII of 1890.
[c] Act XI of 1865 was repealed by Act IX of 1887, printed, General Acts, 1885-88, Ed, 1889, p 128.
[d] Act X of 1866 was repealed by Act VI of 1882. For Act VI of 1882 see the revised edition, as modified up to 1st July, 1894, published by the Legislative Department.
[e] Act VII of 1867 was repealed by Act XVI of 1889

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—*Acts of the Governor General in Council*—continued.		
1867	[a] XXV	Printing-Presses and Books.	Declared in force in the Province of Sindh.	.. ...	[See Notification No. 1245, dated 30th November, 1880, *supra*, p. iii.]
1869	[b] XI	*Land Customs.*	*Ditto*	. ..	*Ditto.*
,,	[c] XIV	Civil Courts (sections 3 and 4).	Extended to the Province of Sindh	. . ..	*The 17th March, 1882. No. 384.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend sections 3 and 4 of Act XIV of 1869 (the Bombay Civil Courts Act, 1869), to the Province of Sindh. [See Gazette of India, 1882, Part I, p 140, and Bombay Government Gazette, 1882, Part I, p. 224.]
,,	,,	Civil. Courts (sections 12 and 13).	Ditto	. ..	*The 23rd December, 1881. No. 1609.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Governor of

[a] For Act XXV of 1867 see the revised edition, as modified up to 1st July 1890, published by the Legislative Department.
[b] Act XI of 1869 was repealed by Act XI of 1882.
[c] Printed *supra*, p 127.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1869	[a]XIV	Civil Courts (sections 12 and 13).			Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend sections 12 and 13 of Act XIV of 1869 (the Bombay Civil Courts Act, 1869), to the Province of Sindh. [See Gazette of India, 1881, Part I, p. 618, and Bombay Government Gazette, 1882, Part I, p. 2.]
,,	,,	Civil Courts (so much of section 23 as provides that the Subordinate Judges shall hold their Courts at such place or places as the Governor of Bombay in Council may from time to time appoint within the local limits of their respective jurisdictions).	Extended to the Province of Sindh.	.....	*The 12th June, 1882. No. 825.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874,) the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend so much of section 23 of Act XIV of 1869 (the Bombay Civil Courts Act, 1869,) to the Province of Sindh as provides that the Subordinate Judges shall hold their Courts at such place or places as the Governor of Bombay in Council may from time to time appoint within the local

[a] Printed *supra*, p. 127.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1869	[a] XIV	Civil Courts.			limits of their respective jurisdictions. [See Gazette of India, 1882, Part I, p. 233, and Bombay Government Gazette, 1882, Part I, p. 451.]
,,	,,	Civil Courts (sections 14 to 20; so much of section 23 as has not already been extended; section 32 [as amended by the Bombay Revenue Jurisdiction Acts, 1876 and 1880]; and sections 35, 36, 37 and 43).	Extended to the Province of Sindh.	.....	*The 9th May, 1887. No. 741.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, His Excellency the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend to the Province of Sindh sections 14 to 20, both inclusive, section 32 (as amended by the Bombay Revenue Jurisdiction Acts, 1876 and 1880), and sections 35, 36, 37 and 43 of the Bombay Civil Courts Act, 1869, and so much of section 23 of the said Act as has not already been extended to the said Province. [See Gazette of India, 1887, Part I, p. 231, and Bombay Government Gazette, 1887, Part I, p. 452.]

[a] Printed *supra*, p 12

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year	No	Subject.	Places in or to which declared in force or extended	Exceptions, restrictions and modifications	Notification.
			(2).—*Acts of the Governor General in Council*—continued.		
1869	[a] XIV	Civil Courts (section 40)	Extended to the Province of Sindh	.....	*The 29th October, 1884.* *No. 1374.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend section 40 of Act XIV of 1869 (the Bombay Civil Courts Act, 1869,) to the Province of Sindh. [See Gazette of India, 1884, Part I, p 371. and Bombay Government Gazette, 1881, Part I, p 978.]
,,	[b] XV	Prisoners' Testimony	Declared in force in the Province of Sindh.	.....	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. *xxi*.]
1870	[b] I	Quarantine Rules.	Ditto	.....	*The 8th April, 1881.* *No 75*—In exercise of the power conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to

[a] Printed *supra*, p 127
[b] Printed, General Acts, 1867-76, Ed. 1887.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—*Acts of the Governor General in Council*—concluded.		
1870	1	Quarantine Rules.			declare that Act I of 1870 (*an Act to provide Rules relating to Quarantine*) is in force in the Province of Sindh. [See Gazette of India, 1881, Part I, p. 152, and Bombay Government Gazette, 1881, Part I, p. 194.]
„	[a] XXII	*European British Subjects.*	*Declared in force in the Province of Sindh.*	.....	[See *Notification No. 1254, dated 30th November, 1880, supra, p. iii.*]
1877	[b] I	Specific Relief.	Extended to the Province of Sindh.	.....	[See Notification No. 1255, dated 30th November, 1880, *supra*, p. xxi.]
„	[c] X	*Code of Civil Procedure.*	*Ditto* .	*Except sections 1 and 3, which were already in force.*	*The 1st October, 1877. No. 1472.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), His Excellency the Governor of Bombay is pleased, with the previous sanction of the Governor General in Council, to extend Act X of 1877 (the Code of Civil Procedure), to the Province of Sindh, except sections 1*

[a] Act XXII of 1870 was repealed by Act X of 1882, of which a revised edition, as modified up to 15th December, 1888, has been published by the Legislative Department.

[b] For Act I of 1877 see the revised edition, as modified up to 1st July, 1894, published by the Legislative Department.

[c] Act X of 1877 was repealed by Act XIV of 1882, of which a revised edition, as modified up to 1st July, 1888, has been published by the Legislative Department.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1877	X	*Code of Civil Procedure.*			*and 3, which are already in force in the said Province,* [*See Gazette of India, 1877, Part I, p. 578, and Bombay Government Gazette, 1877, Part I, p. 871.*]
1879	[a] XII	*Amending Code of Civil Procedure, etc.*	*Extended to the Province of Sindh.*	*Except so much as amended the Indian Registration and Limitation Acts, 1877, which was already in force.*	*The 10th December, 1880.* *No. 1300.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the President in Council, to extend Act XII of 1879 (an Act to amend the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877), except so much as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877, which is already in force, to the Province of Sindh.* [*See Gazette of India, 1880, Part I, p. 681, and Bombay Government Gazette, 1880, Part I, p. 1093.*]

[a] So much of Act XII of 1879 as was extended to the Province of Sindh was repealed by Act XIV of 1882, a revised edition of which, as modified up to 1st July, 1888, has been published by the Legislative Department.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—*Acts of the Governor General in Council*—continued.		
1882	[a] XIV	Code of Civil Procedure.	Extended to the Province of Sindh.	Except sections 1 and 3, which were already in force.	*The 1st June, 1882.* In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), His Excellency the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend Act XIV of 1882 (the Code of Civil Procedure) to the Province of Sindh, except sections 1 and 3, which are already in force in the said Province. [See Gazette of India, 1882, Part I, p. 217, and Bombay Government Gazette, 1882, Part I, p. 405.]
1888	[b] VII	Amending Code of Civil Procedure, etc.	Ditto	Except so much as amends the Indian Registration and Limitation Acts, 1877, which was already in force.	*The 11th October, 1888. No. 5598.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, XIV of 1874, the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend to the Prov-

[a] For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.

[b] Printed, General Acts, 1885-88, Ed. 1889, p. 223.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—concluded.			
1888	VII	Amending Code of Civil Procedure, etc.			ince of Sindh the Civil Procedure Code Amendment Act, VII of 1888, except so much thereof as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877, which is already in force. [See Gazette of India, 1888, Part I, p. 478, and Bombay Government Gazette, 1888, Part I, p. 830.]
,,	[a] X	Amending the Code of Civil Procedure, etc. (sections 1 and 3).	Extended to the Province of Sindh.	.....	*The 6th February, 1889.* *No. 708.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, XIV of 1874, the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend to the Province of Sindh sections 1 and 3 of Act X of 1888 (*to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882*). [See Gazette of India, 1889, Part I, p. 89, and Bombay Government Gazette, 1889, Part I, p. 112.]

[a] Printed, General Acts, 1885-88, Ed. 1889, p. 241.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year	No.	Subject.	Places in or to which declared in force or extended	Exceptions, restrictions and modifications.	Notification.
		(3).—Acts of the Governor of Bombay in Council.			
1863	[a] VI	Public Conveyances (Bombay Town, Suburbs and Harbour)	Declared in force in the Province of Sindh.	.. ..	[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]
1864	[a] II	Survey of Steam-vessels.	Ditto . .	.....	Ditto.
1865	[b] I	Survey and Settlement (subject to the provisions of Bom. Act I of 1866).	Declared in force in the Districts of Thar and Parkar and the Upper Sindh Frontier.	Except the following portions, namely:— The proviso to section 14; sections 45, 50 and 51; and in section 1 the last twenty-seven words.	Ditto.
„	[a] III	Wagers .	Declared in force in the Province of Sindh.	.....	Ditto.
1866	[c] III	*Gambling* .	*Ditto* . .	.....	*Ditto.*
„	[a] VII	Hindu Heirs' Relief.	Ditto . .	.....	Ditto.
„	[a] VIII	Sale of Poisons.	Ditto . .	.....	Ditto.
„	[d] X	*General Clauses.*	*Ditto* . .	. . .	*Ditto.*
„	[a] XIII	Witnesses before Legislative Council.	Ditto . .	.....	Ditto.

[a] Printed in Vol II of this Code.
[b] Bom Act I of 1865 (except s 37) is repealed by Bom Act V of 1879, wherever the latter Act is in force. S. 37 of the former Act is printed in Vol II of this Code.
[c] Bom Act III of 1866 was repealed by Bom. Act IV of 1887, printed in Vol. III of this Code.
[d] Bom. Act X of 1866 was repealed by Bom. Act III of 1868, printed in Vol III of this Code.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(3).—*Acts of the Governor of Bombay in Council*—continued.			
1867	[a] III	*Cantonments.*	*Declared in force in the Province of Sindh.*	.....	[*See Notification No. 1254, dated 30th November, 1880, supra, p. iii.*]
1868	[b] II	Ferries (as amended by Bom. Act II of 1878).	Ditto . .	.....	Ditto.
,,	[c] IV	Survey and Settlement (amending Bom. Act I of 1865).	Declared in force in the Districts of Tharand Parkar and the Upper Sindh Frontier.	Except sections 16 and 20.	Ditto.
1870	[d] II	*Official seals of Magistrates.*	*Declared in force in the Province of Sindh*	.....	*Ditto.*
1871	[b] II	Duties on non-agricultural classes.	Ditto . .	.....	Ditto.
1873	[e] IV	*Survey of Steam-vessels (amending Bom. Act II of 1864).*	*Ditto* . .	.....	*Ditto.*
,,	[f] V	*Boiler-inspection.*	*Ditto* . .	.....	*Ditto.*

[a] Bom. Act III of 1867 was repealed by Act XIII of 1869.
[b] Printed in Vol. II of this Code.
[c] Bom. Act IV of 1868 is repealed by Bom. Act V of 1879 (printed in Vol. II of this Code), wherever the latter Act is in force.
[d] Bom. Act II of 1870 was repealed by Bom. Act V of 1883, printed in Vol. III of this Code.
[e] Bom. Act IV of 1873 was repealed by Act VI of 1884, a revised edition of which, as modified up to 1st July, 1891, has been published by the Legislative Department.
[f] Bom. Act V of 1873 was repealed by Bom. Act III of 1887.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(3).—*Acts of the Governor of Bombay in Council*—continued.			
1873	[*] VI	District Municipalities.	Extended to the Province of Sindh.	.....	*The 1st June, 1878.* [*26th July, 1878.*] *No. 84.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act) [His Excellency the Honourable] the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend Bombay Act VI of 1873 (the Bombay District Municipal Act) to the Province of Sindh [with effect from the 1st October next.] [See Gazette of India, 1878, Part I, p 347, and Bombay Government Gazette, 1878, Part I, p. 466.] *The 16th July, 1878.* *No. 131.*—Home Department Notification No. 84, dated the 1st ultimo, announcing the extension of Bombay Act VI of 1873 (the Bombay District Municipal Act) to the Province of Sindh, will take effect from the 1st October next. [See Gazette of India, 1878, Part I, p 431.]

[*] Printed in Vol. II of this Code.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

I.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(3).—*Acts of the Governor of Bombay in Council*—continued.			
1875	[a] III	Tolls on Roads and Bridges.	Declared in force in the Province of Sindh.	.....	[See Notification No. 1254, dated 30th November, 1880, *supra*, *p.* iii.]
1879	[a] V	Land-revenue Code.	Extended to the Collectorates of Karáchi, Hyderabad and Shikárpur.	Except section 104.	*The 30th November, 1880.* *No. 1256.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the President in Council, to extend Bombay Act V of 1879 (the Bombay Land-revenue Code), with the exception of section 104, to the Collectorates of Karáchi, Hyderabad and Shikárpur, in the Province of Sindh. [See Gazette of India, 1880, Part I, p. 676, and Bombay Government Gazette, 1880, Part I, p. 1072.]
„	„	Ditto .	Extended to the táluqá of Jacobábád in the Upper Sindh Frontier District.	Except section 104.	*The 17th October, 1884.* *No. 713—164-2R.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Governor of Bombay in Council

[a] Printed in Vol. II of this Code.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued*

1	2	3	4	5	6
Year.	No	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(3).—*Acts of the Governor of Bombay in Council*—continued.			
1879	[*] V	Land-revenue Code.			is pleased, with the previous sanction of the Governor General in Council, to extend Bombay Act V of of 1879 (the Bombay Land-revenue Code), with the exception of section 104, to the táluqá of Jacobábád in the Upper Sindh Frontier District, in the Province of Sindh. [See Gazette of India, 1884, Part, I, p. 360, and Bombay Government Gazette, 1884, Part I, p. 861.]
,,	,,	Ditto .	Extended to certain villages of the Thul táluqá of the Upper Sindh Frontier District (see column 6).	Except section 104.	*The 3rd July, 1885 No. 433—136-2R.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend Bombay Act V of 1879 (the Bombay Land-revenue Code), with the exception of section 104, to the villages of the Thul táluqá of the Upper Sindh Frontier District, in the Province of Sindh, which are

[*] Printed in Vol. II of this Code.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject,	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(3).—Acts of the Governor of Bombay in Council—continued.		
1879	[*]V	Land-revenue Code.			specified in the annexed schedule :— No. | Names of Villages. *1st Group.* 1. Daro Mak. 2. Athri. 3. Panahabad. 4. Mahaiali Khoso. 5. Rahimabad. 6. Bahadurpur. 7. Rato Thararo. 8. Nangan. 9. Dil Murad. 10. Zangipur. 11. Madadkhan Khoso. 12. Sarki. 13. Korar. 14. Mitho Tharaio. 15. Ghania. 16. Hotwah. 17. Phul. 18. Jalalpur. 19. Balochabad. 20. Kata. 21. Mubarakpur. 22. Gujo. 23. Tanwari. 24. Miral Purano. 25. Miral Nano. 26. Khatan. 27. Bhanbhal. 28. Alikhan Pathan. 29. Jhangiwah. 30. Pako. 31. Talabshah. 32. Udi. 33. Navowah.

[*] Printed in Vol. II of this Code.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(3).—*Acts of the Governor of Bombay in Council*—continued.		
1879	[*]V	Land-revenue Code.			

No.	Names of Villages
	1st Group—concld.
34.	Muhamadpur Chana.
35.	Ranjhapur.
36.	Musawah.
37.	Navo Thul.
38.	Chandan.
39.	Mirpur.
40.	Ganji.
	2nd Group.
41.	Karim Baksh Khoso.
42.	Dhanibaksh Banglani.
43.	Garhi Rahimdad Bhuto.
44.	Odano.
45.	Dubi.
46.	Khudabaksh Kunrani.
47.	Bachro.
48.	Shujrah.
49.	Mehrabpur.
50.	Puranowah.
51.	Jari.
52.	Dul.
53.	Muradpur.
54.	Muheb Wah.
55.	Dakhan.
56.	Sameja.
57.	Bulaki.
58.	Khosa.
59.	Thul Purano.
60.	Gulamun.
61.	Koro.
62.	Bakhtawarpur.

[*] Printed in Vol. II of this Code.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended	Exceptions, restrictions and modifications.	Notification.
			(3).—*Acts of the Governor of Bombay in Council*—continued.		
1879	[*] V	Land-revenue Code.			No. | Names of Villages. *2nd Group—concld.* 63. | Kalampur. 64. | Girdo. 65. | Shergarh. 66. | Daho. 67. | Alal. 68. | Tegani. 69. | Keti. 70. | Dhandi. 71. | Bilhni. 72. | Dali. 73. | Wahadpur. 74. | Bakshpur. 75. | Golabpur. 76. | Faridabad. 77. | Bindi. 78. | Khabri 79. | Jangan. *Government Forest.* 80. | Sadhuja [See Gazette of India, 1885, Part I, p. 382, and Bombay Government Gazette, 1885, Part I, p. 867.]
,,	,,	Ditto .	Extended to the Kashmor táluqá of the Upper Sindh Frontier District, and to twenty-nine villages	Except section 104.	*The 29th June, 1889.* In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Gov-

[*] Printed in Vol. II of this Code.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year	No.	Subject.	Places in or to which declared in force or extended	Exceptions, restrictions and modifications.	Notification.
			(3).—*Acts of the Governor of Bombay in Council*—continued.		
1879	[*] V	Land-revenue Code	of the Thul táluqá of the same District (see column 6).		ernor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend Bombay Act V of 1879 (the Bombay Land-revenue Code, 1879), with the exception of section 104, to the Kashmor táluqá of the Upper Sindh Frontier District in the Province of Sindh, and to twenty-nine villages of the Thul táluqa of the same District, which are specified in the annexed schedule:—

Schedule referred to above.

1.	Bhitti.
2	Sanhri.
3.	Logi.
4.	Salgani.
5.	Gazi.
6.	Tangwáni.
7.	Miriipur
8	Garhi Hassan.
9.	Dingarh.
10.	Hairo.
11.	Hambi.
12	Burrah.
13.	Bakhtawarpur waste.
14.	Karampurwate.
15.	Saifal.

[*] Printed in Vol II of this Code.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

1.—THE PROVINCE OF SINDH—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(3).—*Acts of the Governor of Bombay in Council*—continued.			
1879	[*]V	Land-revenue Code.			16. Kureshi. 17. Saidokot. 18. Sherwah. 19. Garkuo. 20. Bejarani. 21. Unhaiwah. 22. Duniapur waste. 23. Duniapur. 24. Sherwah waste. 25. Ghauspur. 26 Makhwani. 27. Shah Mahamad Jilani. 28. Manghi. 29. Shergarh. [See Gazette of India, 1889, Part I, p. 364, and Bombay Government Gazette, 1889, Part I, p. 592.]
,,	,,	Ditto .	Extended to the Thar and Parkar Districts in the Province of Sindh.	Except section 104	*The 7th July, 1892.* [*21st July, 1892.*] In exercise of the power conferred by section 5 of the Scheduled Districts Act (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Bombay in Council is pleased to extend Bombay Act V of 1879 (the Pombay Land Revenue Code, 1879), with the exception of section 104, to the Thar and Parkar Districts in the Province of Sindh.

[*] Printed in Vol. II of this Code.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued*.

1.—THE PROVINCE OF SINDH—*concluded*.

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
(3).—*Acts of the Governor of Bombay in Council*—concluded.					
					[See Gazette of India, 1892, Part I, p. 416, and Bombay Government Gazette, 1892, Part I, p. 686.]
(4).—*Rules having the force of law under Section 45 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67* [a]).					
Rules promulgated by the Commissioner in Sindh on the 22nd May, 1852.	Alluvion and Diluvion.	Declared in force in the Province of Sindh.	.....		[See Notification No. 1254, dated 30th November, 1880, *supra*, p. iii.]

[a] Printed in the Collection of Statutes relating to India, Vol. II, Ed. 1881, p. 605.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN.[a]

[The Scheduled Districts Act, 1874, [b] was brought into force in Aden by the following Notification, namely :—

No. 703, dated the 20th June, 1879.—In exercise of the power conferred by section 3 of Act XIV of 1874[b] (the Scheduled Districts Act), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in Aden. (See Gazette of India, 1879, Part I, p. 434, and Bombay Government Gazette, 1879, Part I, p. 624.)

The Scheduled Districts Act, 1874, [b] was brought into force in the Island of Perim by the following Notification, namely :—

No. 822, dated the 10th February, 1886.—In exercise of the power conferred by section 3 of the Scheduled Districts Act (No. XIV of) 1874[], the Governor of Bombay in Council is pleased, with the previous sanction of the President in Council, to declare that the said Act is in force in the Island of Perim (see Gazette of India, 1886, Part I, p. 86, and Bombay Government Gazette, 1886, Part I, p. 105).]

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(*1*).—*Bombay Regulation.*		
1827	[c] XXV	State Prisoners.	Declared in force in Aden	Except the following portions, namely :— The first clause of section 4, and the words "or the Judge on circuit" in the second clause of the same section; section 6; the last twenty words of the preamble; and	*The 20th June, 1879.* *No. 704.*—In exercise of the power conferred by section 3 of Act XIV of 1874. (The Scheduled Districts Act), the Governor of Bombay in Council is pleased, with the previous sanction of the Gov-

[a] Reg. II of 1891 (printed *supra*, p. 276), section 3, provides that any enactment which at the commencement of the Regulation (*i. e.*, the 1st June, 1891) was in force in any part of Aden shall be thereafter deemed until it is repealed, or its operation is withdrawn, to be in force throughout the whole of Aden. "Aden" is defined, by section 2 of the Regulation, to mean (except in certain cases) the settlement of Aden and such of its dependencies for the time being, inclusive of the villages of Shaikh Othman, Imad and Hiswa, the Island of Perim and Little Aden, as are administered by the Governor of Bombay in Council.

[b] Printed, General Acts, 1867-76, Ed. 1887, p. 478.

[c] Printed *supra*, p. 25.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended	Exceptions, restrictions and modifications.	Notification.
			(*1*).—*Bombay Regulation*—continued.		
1827	[a] XXV	State Prisoners.		the last five words of section 7.	ernor General in Council, to declare that each of the enactments mentioned in the Schedule hereto annexed is in force at Aden, to the extent mentioned in the third column of the said Schedule. 2. Nothing herein contained shall be deemed to affect the operation of any enactment in force at Aden, and not mentioned in the said schedule. (Here follows the Schedule, which contains, among other enactments, Bombay Regulation XXV of 1827.) [See Gazette of India, 1879, Part I, p. 434, and Bombay Government Gazette, 1879, Part I, p. 624.]
,,	,,	Ditto .	Declared in force in the Island of Perim.	Except the following portions, namely:— The first clause of section 4 and the words "or the Judge on circuit" in the second clause of the same section; section 6; the last twenty words of the preamble; and the last	*The 18th December, 1886.* *No 7478.*—In exercise of the power conferred by section 3 of the Scheduled Districts Act, XIV of 1874, the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to declare

[a] Printed *supra*, p. 25.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(1)—Bombay Regulation—concluded.		
1827	[a] XXV	State Prisoners.		five words of section 7.	that each of the enactments mentioned in the schedule hereto annexed is in force in the Island of Perim, to the extent mentioned in the third column of the said schedule. 2. Nothing herein contained shall be deemed to affect the operation of any enactment in force in the Island of Perim and not mentioned in the said schedule. [Here follows the schedule, which contains, among other enactments, Bombay Regulation XXV of 1827.] [See Gazette of India, 1887, Part I, p. 5, and Bombay Government Gazette, 1886, Part I, p. 1061.]
			(2).—Acts of the Governor General in Council.		
1841	[b] X	Registration of Ships.	Declared in force in Aden.	Except in so far as the Act is amended by the Indian Merchant Shipping Act, 1875, section 30, and except the following portions, namely:— Section 13; in sections 2, 3, 4, 5, 6,	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xlv.]

[a] Printed *supra*, p. 25.
[b] For Act X of 1841 see the revised edition, as modified up to 1st December, 1893, published by the Legislative Department.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—*Acts of the Governor General in Council*—continued.		
1841	[a] X	Registration of Ships.		9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 23, 24 and 25 the first six words; in section 8 the first fourteen words; and in section 26 the first eight words.	
,,	,,	Ditto .	Declared in force in the Island of Perim.	Except in so far as the Act is amended by the Indian Merchant Shipping Act, 1883, section 38, and except the following portions, namely:— Section 13; in sections 2, 3, 4, 5, 6, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 23, 24 and 25, the first six words; in section 8 the first fourteen words; and in section 26 the first eight words.	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]
1843	[b] V	Slavery .	Declared in force in Aden.	Except the following portions, namely:— In section 1 the first seven words; in sections 2 and 3 the first eight words; and in section 4 the first six words.	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]
,,	,,	Ditto	Declared in force in the Island of Perim.	Ditto	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]

[a] For Act X of 1841 see the revised edition, as modified up to 1st December, 1893, published by the Legislative Department.
[b] Printed, General Acts, 1834-66, Ed. 1887, p. 45.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended	Exceptions, restrictions and modifications.	Notification.
			(2).—*Acts of the Governor General in Council*—continued.		
1847	[*] XX	Copyright .	Declared in force in Aden.	Except the following portions, namely:— Sections 4 and 17; in section 3 the first six words and the words "and that"; in section 5 the first eleven words and the words "and that"; in section 6 the first five words and the words "and that"; in section 7 the first five words and the words "after the passing of this Act," and "in such part of the said territories", and from "if he shall have so offended" down to "charter," and from "to a special" to "no Zila Court"; in sections 8 and 9 the first twelve words; in sections 10 and 11 the first six words; in sections 12 to 16 (both inclusive) the first five words; in section 13 the word "that" where it occurs after the words "thereof and"; and in section 16 the words "actions, suits, bills".	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]

[*] Printed, General Acts, 1834-66, Ed. 1867, p. 48

I—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—*Acts of the Governor General in Council*—continued.		
1847	[a] XX	Copyright.	Declared in force in the Island of Perim.	Except the following portions, namely:— Sections 4 and 17; in section 8 the first six words and the words "and that"; in section 5 the first eleven words and the words "and that," and "without being subject to any stamp or duty"; in section 6 the first five words and the words "and that"; in section 7 the first five words and the words "after the passing of this Act," and "in such part of the said territories," and from "if he shall have so offended" down to "charter," and from "to a special" to "no Zila Court"; in sections 8 and 9 the first twelve words; in sections 10 and 11 the first six words; in sections 12 to 16 (both inclusive) the first five words; in section 13 the word "that" where it occurs after the	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv]

[a] Printed, General Acts, 1834-66, Ed. 1867, p. 48.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—*Acts of the Governor General in Council*—continued.		
1847	[a] XX	Copyright.		words "trover and"; and in section 16 the words "actions, suits, bills".	
1850	[b] XI	Registration of Ships (amending Act X of 1841).	Declared in force in Aden.	Except section 1 .	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]
,,	,,	Ditto .	Declared in force in the Island of Perim.	Ditto .	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]
,,	[a]XXXIV	State Prisoners.	Declared in force in Aden	.....	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]
,,	,,	Ditto .	Declared in force in the Island of Perim.	.....	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]
1852	[a] XXX	Naturalization of Aliens.	Declared in force in Aden.	Except the following portions, namely:— Section 9; and in the schedule the words "as dependent thereon, and that I will be true and faithful to the East India Company".	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]
,,	,,	Ditto .	Declared in force in the Island of Perim.	Ditto . . .	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]

[a] Printed, General Acts, 1834—66, Ed. 1887.
[b] For Act XI of 1850 see the revised edition, as modified up to 1st December, 1893, published by the Legislative Department.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—*Acts of the Governor General in Council*—continued.		
1855	[*] XXIV	Penal Servitude (Preamble, and sections 1 to 4, 8, and 13 to 15).	Declared in force in Aden.	Except the following portions, namely.— In section 1 the words "after the commencement of this Act", "in the possession, and," "the East" and "Company".	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]
,,	,,	Ditto .	Declared in force in the Island of Perim.	Ditto . .	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]
1856	[*] XI	European Deserters.	Declared in force in Aden.	Except the following portions, namely:— In the title and preamble the words "and of the East India Company"; in section 2 the words "or for any of the Settlements of Prince of Wales' Island, Singapur and Malacca," and "Joint Magistrate"; in section 4 the words and figures "Act No. XIV of 1849 or;" and in sections 5, 6 and 7 the words "Joint Magistrate".	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]
,,	,,	Ditto .	Declared in force in the Island of Perim.	Ditto . .	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]

[*] Printed, General Acts, 1834-66, Ed. 1887.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1858	[*] III	State Prisoners.	Declared in force in Aden.	Except section 1 .	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]
"	"	Ditto .	Declared in force in the Island of Perim.	Ditto . .	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]
1859	[*] I	Merchant Seamen (as amended by the Indian Merchant Seamen's Act, 1876).	Declared in force in Aden	Except the following portions, namely :— Sections 1, 17, 21, 81, 82, 100, 101 and 102; in section 63, the words "or in any station of the Settlement of Prince of Wales' Island, Singapur and Malacca, to the Court of Judicature there"; in section 67 the words "and in the Straits Settlement in such manner as the Governor shall notify"; and in section 112 the last eleven words.	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]
	"	Merchant Seamen (as amended by the Indian Merchant Seamen's Act, 1876, and the Indian Merchant Shipping Act, 1883).	Declared in force in the Island of Perim.	Ditto . .	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv]

[*] Printed, General Acts, 1834-66, Ed. 1867.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1859	[a] III	*Cantonment Joint Magistrates.*	*Declared in force in Aden.*	*Except the following portions, namely.—Sections 5, 9, 10 and 11; in the title, the last eight words, and in the preamble the words "and that they should also be appointed Registrars of Deeds within the same limits."*	[See *Notification No. 704, dated 20th June 1879*, supra, *p. xliv.*]
,,	,,	*Ditto* .	*Declared in force in the Island of Perim.*	... ..	[See *Notification No. 7478, dated 18th December, 1886*, supra, *p. xlv.*]
,,	[b] XV	*Patents (as amended by the Patterns and Designs Act, 1872).*	*Declared in force in Aden*	*Except sections 13, 36 and 37.*	[See *Notification No. 704, dated 20th June, 1879*, supra, *p. xliv.*]
,,	,,	*Ditto* .	*Declared in force in the Island of Perim.*	*Ditto* . .	[See *Notification No. 7478, dated 18th December, 1886*, supra, *p. xlv.*]
1863	[c] XVI	Excise on Spirits used exclusively in Manufactures	Declared in force in Aden	... ..	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]
,,	,,	Ditto (as amended by the Indian Tariff Act, 1882, section 6).	Declared in force in the Island of Perim.	... ..	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]

[a] Act III of 1859 was repealed by Act VIII of 1887.
[b] Act XV of 1859 was repealed by Act V of 1888, printed, General Acts, 1885 88, Ed. 1889, p 190.
[c] Printed, General Acts, 1834-66, Ed. 1887

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—continued.			
1864	II	*Civil and Criminal Justice, Aden.*	*Extended to the Island of Perim.*	*Except sections 2, 17 and 23.*	[a]*The 10th February, 1886.* *No. 823.—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, the Governor of Bombay in Council is pleased, with the previous sanction of the President in Council, to extend to the Island of Perim the whole of Act II of 1864 of the Governor General in Council, with the exception of sections 2, 17 and 23.* [*See Gazette of India, 1886, Part I, p. 86, and Bombay Government Gazette, 1886, Part I p. 105.*]
,,	[b] III	Foreigners .	Declared in force in Aden	Except the last fifteen words of section 24.	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]
,,	,,	Ditto .	Declared in force in the Island of Perim.	Ditto . .	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]
,,	[b] VI	Whipping .	Declared in force in Aden.	Except sections 8 to 12 (both inclusive).	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]

[a] This Notification was cancelled by Reg. II of 1891, s. 5, printed *supra*, p. 277.
[b] Printed, General Acts, 1834-66, Ed. 1887.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—*Acts of the Governor General in Council*—continued.		
1864	[a] VI	Whipping .	Declared in force in the Island of Perim.	Except sections 7 to 12 (both inclusive).	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]
1865	[b] XI	*Mufassal Small Cause Courts.*	*Ditto* .	*Except the following portions, namely:—* *Sections 8 to 11 (both inclusive); section 19; sections 22 to 28 (both inclusive); sections 42 and 47; in section 2 from the beginning down to and including the words "Provided that," and from and including the words "and all suits" down to the end of the section; in section 12 the words "or District", "and for constituting these officers Registers of Deeds," so much as relates to the trial of small suits in military bazars, cantonments and stations in the Presidency of Madras, and the last twenty-one words; in section 13 the last nineteen words; and*	*Ditto.*

[a] Printed, General Acts, 1834-66, Ed. 1867, p. 406.
[b] Act XI of 1865 was repealed by Act IX of 1887, printed, General Acts, 1885-88, Ed. 1889, p. 128.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications	Notification
		(*2*).—*Acts of the Governor General in Council*—continued.			
1865	XI	*Mufassal Small Cause Courts.*		*in section 32 the words "in the manner prescribed in the twenty-second section of this Act" and "contained in the twenty-second, twenty-third, twenty-fourth and twenty-fifth sections of this Act."*	
„	[*] XV	Parsí Marriage and Divorce (as amended by subsequent Acts of the Governor General in Council).	Declared in force in the Settlement of Aden and its Dependencies, inclusive of the villages of Shaikh Othman, Imad and Hiswa, the Island of Perim and Little Aden.	.....	*The 18th March, 1891. No. 1805.*—In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the Parsí Marriage and Divorce Act, (XV of) 1865, as amended by subsequent Acts of the Governor General in Council, and Act XXI of 1865 (*An Act to define and amend the law relating to Intestate Succession among the Parsís*), are in force in the Settlement of Aden and its Dependencies, inclusive of the villages of Shaikh Othman, Imad and

[*] Printed, General Acts, 1834-66, Ed 1867, p. 530.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(2).—*Acts of the Governor General in Council*—concluded.			
1865	XV	Parsí Marriage and Divorce.			Hiswa, the Island of Perim and Little Aden. [See Gazette of India, 1891, Part I, p. 170, and Bombay Government Gazette, 1891, Part 1, p. 251.]
,,	[a] XXI	Intestate Succession, Parsís.	Declared in force in the Settlement of Aden and its Dependencies, inclusive of the villages of Shaikh Othman, Imad and Hiswa, the Island of Perim and Little Aden.	.....	Ditto.
1867	[b] XXV	Printing-Presses and Books.	Declared in force in Aden.	Except sections 2 and 23.	[See Notification No. 704, dated 20th June 1879, *supra*, p. xliv.]
,,	,,	Ditto .	Declared in force in the Island of Perim.	Ditto	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]
1870	[c] I	Quarantine Rules.	Declared in force in Aden	.....	[See Notification No. 704, dated 20th June, 1879, *supra*, p. xliv.]
,,	,,	Ditto .	Declared in force in the Island of Perim.	.....	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]

[a] Printed, General Acts, 1834-66, Ed. 1887, p. 541
[b] For Act XXV of 1867 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.
[c] Printed, General Acts, 1867-76, Ed 1887, p. 136.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(3).—Acts of the Governor of Bombay in Council.		
1863	[a] VI	Public Conveyances (Bombay Town, Suburbs and Harbour).	Declared in force in Aden.	Except the following portions, namely:— Sections 33 and 38; and in section 7 the words "standing in the name of the Commissioner of Customs".	[See Notification No. 704, dated 20th June 1879, *supra*, p. xliv.]
1866	[b] III	*Gambling* .	*Ditto* . .	*Except section 15*	*Ditto.*
1867	[c] III	*Cantonments.*	*Ditto* . .	*Except the following portions, namely:— Section 28; in section 15 the words and figures "Bombay Act No. IV of 1865 (An Act for the regulation of Mufassal Gaols and the enforcement of discipline therein) or by," and the word "other"; and the words "and Regulations," "or Requlation," "or Regulations" wherever they occur.*	*Ditto.*
„	[d] VII	District Police.	Declared in force in Aden.	Except sections 2, 12 and 40.	Ditto.

[a] Printed in Vol. II of this Code.
[b] Bom. Act III of 1866 was repealed by Bom. Act IV of 1887, printed in Vol. III of this Code.
[c] Bom. Act III of 1867 was repealed by Act XIII of 1889.
[d] Bom Act VII of 1867 (except ss. 33 and 34) is repealed by Bom. Act IV of 1890. Those Acts are printed in Vols. II and III, respectively, of this Code.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year	No.	Subject.	Places in or to which declared in force or extended	Exceptions, restrictions and modifications.	Notification.
		(3).—*Acts of the Governor of Bombay in Council*—continued.			
1867	[a] VII	District Police.	Declared in force in the Island of Perim.	Except the following portions, namely:— Sections 2, 12 and 40; and the last nine words of section 23.	[See Notification No. 7478, dated 18th December, 1886, *supra*, p. xlv.]
1874	[b] II	Jails (as amended by Bombay Act II of 1882).	Ditto .	Except the following portions, namely:— Section 1; the first twenty-three words of section 6; and the first thirteen words of section 7.	Ditto.
1890	[c] IV	District Police.	Extended to Aden, as defined in section 2 of Regulation II of 1891.	See column 6.	*The 29th February, 1892.* *No. 1191.*—In exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act (XIV of 1874), as amended by section 2, sub-section (2), of the Repealing and Amending Act (XII of 1891), and with the previous sanction of the Governor General in Council, the Governor of Bombay in Council is pleased to extend to Aden, as defined in section 2 of the Aden Laws Regulation (II of 1891), the Bombay District Police Act (Bombay Act IV of 1890), subject to the

[a] Bom Act VII of 1867 (except ss 33 and 34) is repealed by Bom Act IV of 1890. These Acts are printed in Vols. II and III, respectively, of this Code.
[b] Printed in Vol II of this Code.
[c] Printed in Vol. III of this Code.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
		(3).—*Acts of the Governor of Bombay in Council*—continued.			
1890	IV	District Police.			following restrictions and modifications, *viz.*— (1) for the purposes of the said Act, Aden, defined as aforesaid, shall be deemed to be a district of the Presidency of Bombay; (2) the Political Resident, Aden, for the time being, shall be deemed to be the Inspector-General of Police appointed by Government for the said district, and the Inspector-General of Police, Bombay, shall have no authority under the said Act in the said district; (3) any power or authority conferred by the said Act upon a Commissioner may be exercised in the said district by the Political Resident, Aden, for the time being; (4) for section 32 of the said Act the following shall be deemed to be

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

2.—ADEN—*concluded.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
(3).—*Acts of the Governor of Bombay in Council*—concluded.					
1890	IV	District Police.			substituted, *viz.*— "32. Every Police-officer shall, for all purposes of this Act, be deemed to be always on duty."; (5) for the first twenty-three words of section 61 of the said Act, the word "whoever" shall be deemed to be substituted; (6) sub-sections (*1*) and (*2*), of section 1 and section 76 of the said Act shall be deemed to be repealed. [See Gazette of India, 1892, Part I, p. 134, and Bombay Government Gazette, 1892, Part I, p. 189.]

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

3.—The villages belonging to the following Mehwassi Chiefs :—

(1) The Párví of Káthí, (2) The Párví of Nál, (3) The Párví of Singpúr, (4) The Walwi of Gaohállí, (5) The Wassáwa of Chikhlí, (6) The Párví of Nawalpúr.

[The Scheduled Districts Act, 1874,[a] was brought into force in these villages by the following Notification, namely :—

No. 172, dated the 14th February 1879.—In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874,[a] the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in the villages belonging to the following Mehwassi Chiefs in the Khandesh District :—

(1) The Párví of Káthí.
(2) The Párví of Nál.
(3) The Párví of Singpúr.
(4) The Walwi of Gaohállí
(5) The Wassáwa of Chikhlí.
(6) The Párví of Nawalpúr.

(see Gazette of India, 1879, Part I, p. 106, and Bombay Government Gazette, 1879, Part I, p. 115.)]

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(1).—Bombay Regulation.		
1827	[b]XXV	State Prisoners.	Declared in force in the villages above-mentioned.	...	*The 4th January, 1887.* *No. 27.*—In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874, the Governor in Council is pleased, with the

[a] Printed, General Acts, 1867-76, Ed. 1887, p. 478.
[b] Printed *supra*, p. 25.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

3.—The villages belonging to the following Mehwassi Chiefs :—

(1) The Párví of Káthí, (2) The Párví of Nál, (3) The Párví of Singpúr, (4) The Walwi of Gaohállí, (5) The Wassáwa of Chikhlí, (6) The Párví of Nawalpúr—*contd.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(*1*).—*Bombay Regulation*—concluded.		
1827	XXV	State Prisoners.			previous sanction of the Governor General in Council, to declare that Bombay Regulation XXV[a] of 1827 (*A Regulation for the confinement of State Prisoners and for the attachment of the lands of Chiefs. tains and others for reasons of State*), Act XXXIV of 1850[b] (*An Act for the better custody of State Prisoners*) and Act III of 1858[b] (*An Act to amend the law relating to the arrest and detention of State Prisoners*) are in force in the villages of the following Mehwassi Chiefs, namely :— (1) The Párví of Káthí. (2) The Párví of Nál. (3) The Párví of Singpúr. (4) The Walwi of Gaohállí. (5) The Wassáwa of Chikhlí. (6) The Párví of Nawalpúr. [See Gazette of India, 1887, Part I, p. 33, and Bombay Government Gazette, 1887, Part I, p. 19.].

[a] Printed *supra*, p. 25.
[b] Printed, General Acts, 1834-66, Ed. 1887.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

3.—THE VILLAGES BELONGING TO THE FOLLOWING MEHWASSI CHIEFS:—

(1) THE PÁRVÍ OF KÁTHÍ, (2) THE PÁRVÍ OF NÁL, (3) THE PÁRVÍ OF SINGPÚR, (4) THE WALWI OF GAOHÁLLÍ, (5) THE WASSÁWA OF CHIKHLÍ, (6) THE PÁRVÍ OF NAWALPÚR —*concluded.*

1	2	3	4	5	6
Year.	No	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—*Acts of the Governor General in Council.*		
1850	[*]XXXIV	State Prisoners.	Declared in force in the villages above-mentioned.	.....	[See Notification No. 27, dated 4th January, 1887, *supra*, p. lxii.]
1858	[*] III	Ditto .	Ditto . .	.....	Ditto.

[*] Printed, General Acts, 1834 66, Ed. 1887.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

4.—The Districts of Kohistán, Johí, Nasiráḅád, Sujáwal, Sihwán Kakkar, Kambar, Jacobáḅád, Thul and Kasmur.

[*The Scheduled Districts Act, 1874, has not yet been brought into force in these Districts.*]

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

5.—THE PEINT TERRITORY.

[The Scheduled Districts Act, 1874,[a] was brought into force in the Peint Territory by the following Notification, namely :—

The 5th February 1887.—In exercise of the power conferred by section 3 of the Scheduled Districts Act (No. XIV) of 1874[a], the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in the Peint Territory. (see Gazette of India, 1887, Part I, p. 144, and Bombay Government Gazette, 1887, Part I, p. 234).]

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(1).—Bombay Regulation.		
1827	[b] XXV	State Prisoners.	Declared in force in the Peint Territory.	.....	*The 5th February, 1887.* In exercise of the power conferred by section 3 of the Scheduled Districts Act, XIV of 1874, the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the enactments mentioned in the schedule hereto annexed are in force in the territory of Peint to the extent to which they are in force in any part of the Presidency of Bombay not included in any Scheduled District. 2. Nothing herein contained shall be deemed to affect the opera-

[a] Printed, General Acts, 1867-76, Ed. 1887, p. 478.

[b] Printed *supra*, p. 25.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

5.—THE PEINT TERRITORY—*continued.*

1	2	3	4	5	6
Year	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
(*1*).—*Bombay Regulation*—concluded.					
1827	XXV	State Prisoners.			tion of any enactment in force in the said territory and not mentioned in the said schedule. (Here follows the Schedule, which contains, among other enactments, Bombay Regulation XXV of 1827.) [See Gazette of India, 1887, Part I, p. 144, and Bombay Government Gazette, 1887, Part I, p. 234.]
(*2*).—*Acts of the Governor General in Council.*					
1843	[a] V	Slavery .	Declared in force in the Peint Territory.	.....	[See Notification dated 5th February, 1887, *supra*, p. lxvi.]
1847	[a] XX	Copyright .	Ditto . .	.....	Ditto.
1850	[a] XXXIV	State Prisoners.	Ditto . .	.....	Ditto.
1852	[a] XXX	Naturalization of Aliens.	Ditto . .	.....	Ditto.
1855	[a] XXIV	Penal Servitude.	Ditto . .	.....	Ditto.
1856	[a] XI	European Deserters.	Ditto . .	.....	Ditto.
1858	[a] III	State Prisoners.	Ditto . .	.....	Ditto.
1859	[b] XV	*Patents.*	*Ditto* . .	.....	*Ditto.*

[a] Printed, General Acts, 1834-66, Ed 1867.
[b] Act XV of 1859 was repealed by Act V of 1888, printed, General Acts, 1885-88, Ed. 1889, p. 190.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

5.—THE PEINT TERRITORY—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(2).—Acts of the Governor General in Council—continued.		
1863	[a] XVI	Excise on Spirits used exclusively in Manufactures.	Declared in force in the Peint Territory.	.....	[See Notification dated 5th February, 1887, *supra*, p. lxvi.]
1864	[a] III	Foreigners .	Ditto . .	.....	Ditto.
„	[a] VI	Whipping .	Ditto . .	.....	Ditto
1867	[b] XXV	Printing-Presses and Books.	Ditto . .	.....	Ditto
1869	[c] XV	Prisoners' Testimony.	Ditto . .	.....	Ditto
1872	[d] XIII	*Patterns and Designs.*	*Ditto* . .	.....	*Ditto.*
1878	[e] VII	Forests .	Extended to the Peint Territory.	.....	*The 5th February, 1887.* In exercise of the power conferred by section 5 of the Scheduled Districts Act, XIV of 1874, the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend the Acts mentioned in the schedule hereto annexed to the territory of Peint. (Here follows the schedule, which contains,

[a] Printed, General Acts, 1834-66, Ed. 1887.
[b] For Act XXV of 1867 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.
[c] Printed, General Acts, 1867-76, Ed. 1887, p 124.
[d] Act XIII of 1872 was repealed by Act V of 1888, printed, General Acts, 1885-88, Ed. 1889, p 196.
[e] For Act VII of 1878 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*continued.*

5.—THE PEINT TERRITORY—*continued.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.

I.—ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874—*concluded.*

5.—THE PEINT TERRITORY—*concluded.*

1	2	3	4	5	6
Year.	No.	Subject.	Places in or to which declared in force or extended.	Exceptions, restrictions and modifications.	Notification.
			(3).—*Acts of the Governor of Bombay in Council*—concluded.		
1869	[a] III	Local Funds.	Declared in force in the Peint Territory.	.....	[See the first Notification dated 5th February, 1887, *supra*, p. lxvi.]
1874	[a] II	Jails . .	Ditto . .	.....	Ditto.
1874	[a] III	Hereditary Offices.	Extended to the Peint Territory.	.....	[See the second Notification dated 5th February, 1887, *supra*, p. lxviii.]
1876	[a] I	Village Police (amending Bom. Act VIII of 1867).	Declared in force in the Peint Territory.	.....	[See the first Notification dated 5th February, 1887, *supra*, p. lxvi.]
1879	[a] V	Land-revenue Code.	Extended to the Peint Territory.	.....	[See the second Notification dated 5th February, 1887, *supra*, p. lxviii.]
1882	[b] II	Jails (amending Bom. Act II of 1874).	Declared in force in the Peint Territory.	.....	[See the first Notification dated 5th February, 1887, *supra*, p. lxvi.]

[a] Printed in Vol. II of this Code.

[b] Printed in Vol. III of this Code.

II.—ENACTMENTS DECLARED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874,[*] NOT TO BE IN FORCE IN THE PROVINCE OF SINDH.

1	2	3	4
Year.	No.	Subject.	Notification
		Act of the Governor of Bombay in Council.	
1875	I	Survey and Settlement (amending Bom. Act I of 1865).	*The 13th October, 1880.* *No. 1112.*—In exercise of the power conferred by section 3 (*b*) of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to declare that Bombay Act I of 1875 (*An Act to amend (Bombay) Act I of 1865*) is not in force in the Province of Sindh. [See Gazette of India, 1880, Part I, p. 579, and Bombay Government Gazette, 1880, Part I, p. 898.]

[*] Printed, General Acts, 1867-76, Ed 1887, p. 478.

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IV.—TRANSLATIONS OF ACTS AND REGULATIONS.

Act XXXVI of 1858 (Lunatic Asylums), as modified up to 1st March, 1893. In Urdu. 1*a*. 3*p*. (1*a*.)

Act XLV of 1860 (Penal Code), as modified up to 1st January, 1893. In Urdu R1. (5*a*.)

Act XXIII of 1870 (Coinage), as modified up to 27th June, 1893; with an Appendix containing the Indian Coinage and Paper Currency Act, 1893, and the Notifications by the Government of India in the Finance and Commerce Department, Nos. 2662, 2663, and 2664, dated the 26th June, 1893, connected therewith. In Urdu. 1*a*. 3*p*. (1*a*.)

Act I of 1871 (Cattle-trespass), as modified up to 1st March, 1891. In Urdu. 1*a*. 9*p*. (1*a*.)

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Act XXII of 1881 (Excise), as modified up to 1st June, 1890. In Nagri. 2*a*. 6*p*. (2*a*.)

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Act I of 1882 (Assam Labour and Emigration), as modified up to 1st May, 1893. In Urdu. 6*a*. (2*a*.)

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